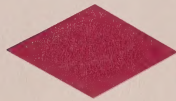


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# ONTARIO MUNICIPAL ACT



R.S.O. 1990, c. M.45

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1992 EDITION

An Unofficial Publisher's Consolidation

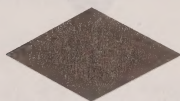


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1992 EDITION

An Unofficial Publisher's Consolidation

CANADA LAW BOOK INC.  
240 Edward Street, Aurora, Ontario

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# Users' Guide

## I. The Revised Statutes of Ontario 1990

### 1. Introduction

The Ontario government's statutory revision scheme to create the Revised Statutes of Ontario 1990 purports to:

- (a) consolidate provincial legislation in force as of December, 1990;
- (b) renumber statutory provisions as necessitated by the consolidation process;
- (c) rationalize the wording of the statutory provisions to improve clarity and remove gender specific language; and
- (d) publish the statutes bilingually.

### 2. Components of the R.S.O. 1990

The R.S.O. 1990 comprises the main work bound volumes containing the consolidated Ontario statutes in force as of December 31, 1990. As of the press date of this volume, the government has announced its intention to publish an annual statutes volume containing 1991 amendments and new legislation pursuant to the R.S.O. 1980 (S.O. 1991, vol. 1) in the spring of 1992, followed by a subsequent annual statutes volume containing 1991 statutory material pursuant to the 1990 revision (S.O. 1991, vol. 2).

## II. The Ontario Municipal Act

### 1. Content of this Volume

This volume contains the *Municipal Act*, R.S.O. 1990, c. M.45, as amended to February 29, 1992. New or amended provisions proclaimed in 1991 have been included and numbered in accordance with the R.S.O. 1990 with an editorial note giving the citation of the original amending provision.

**NOTE:** The following s. 86(1) was amended by 1991, c. 15, s. 3 as s. 88(1).

**86. (1) Appointment of auditors.**—The council of every municipality shall by by-law appoint for a term of five years or less one or more auditors who are licensed under the *Public Accountancy Act*, and every person so appointed shall, in addition to his or her duties in respect of the corporations, audit the accounts and transactions of every local board as defined in the *Municipal Affairs Act*, except school boards established under Part III or Part IV of the *Education Act*, or under Part VI of the *Regional Municipality of Ottawa-Carleton Act*, or under Part VIII of the *Municipality of Metropolitan Toronto Act*.

original  
enacting  
provision

R.S.O. 1990  
section number

## 2. Summary of Numbering Scheme

|     | <u>Statutory History</u>  | <u>Consolidation's Numbering Scheme</u>   |
|-----|---|---|
| (1) | Provision, renumbered in R.S.O. 1990, without subsequent amendment.                                     | Bears R.S.O. 1990 number.   |
| (2) | Provision which was renumbered by R.S.O. 1990 and repealed or re-enacted in 1991.                       | Bears R.S.O. 1990 number assigned to repealed provision. Text of provision is that set out in legislation as originally proclaimed. |
| (3) | New provision enacted in 1991 and not yet incorporated in an annual volume pursuant to the R.S.O. 1990. | Bears number it will bear upon publication of S.O. 1991, vol. 2 with editorial note giving citation to original enacting provision. |

## 3. Statutory History

The statutory history for each provision appears after the text of the provision. To concord the new provision number with the pre-R.S.O. 1990 number, refer to the section reference in the statutory history.

## 4. Format

Shoulder notes in the legislation have been incorporated into the text of provisions and appear in boldface type.

## 5. Errors in the R.S.O. 1990

The editors of this volume have found several drafting errors in the Act in the course of compiling this work. Where there is an error, the correct reference appears in square brackets immediately following the error.

|                        |   |                      |
|------------------------|---|----------------------|
| erroneous<br>reference | <b>158. (5) Apportionment.</b> —Subsections 157(12) to (19)   | correct<br>reference |
|                        | [subsections 157(1) to (18)] apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) [subsection (4)] as though such amount were an amount levied by that local municipality under section 157. |                      |

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| 417                   | (repealed)             | 461                   | (repealed)             |
| 418                   | (repealed)             | 462                   | (repealed)             |
| 419                   | 420                    | 463                   | (repealed)             |
| 420                   | (repealed)             | 464                   | (repealed)             |
| 421                   | (repealed)             | 465                   | 421                    |
| 422                   | (repealed)             | 466                   | (repealed)             |
| 423                   | (repealed)             | 467                   | (repealed)             |
| 424                   | (repealed)             | 468                   | (repealed)             |
| 425                   | (repealed)             | 469                   | (repealed)             |
| 426                   | (repealed)             | 470                   | (repealed)             |
| 427                   | (repealed)             | 471                   | (repealed)             |
| 428                   | (repealed)             | 472                   | (repealed)             |
| 429                   | (repealed)             | 473                   | 422                    |
| 430                   | (repealed)             | 474                   | (repealed)             |
| 431                   | (repealed)             | 475                   | 423                    |
| 432                   | (repealed)             | 476                   | 424                    |
| 433                   | (repealed)             | 477                   | 425                    |

TABLE OF CONCORDANCE

| R.S.O. 1980<br>c. 302 | R.S.O. 1990<br>c. M.45 | R.S.O. 1980<br>c. 302 | R.S.O. 1990<br>c. M.45 |
|-----------------------|------------------------|-----------------------|------------------------|
| 478                   | 426                    | 496 <i>a</i>          | 443                    |
| 479                   | omitted                | 497                   | 444                    |
| 480                   | omitted                | 498                   | 445                    |
| 481                   | 427                    | 498 <i>a</i>          | 446                    |
| 482                   | 428                    | 499                   | 447                    |
| 483                   | 429                    | 449 <i>a</i>          | 448                    |
| 484                   | 430                    | 500                   | 449                    |
| 485                   | 431                    | 501                   | 450                    |
| 486                   | 432                    | 502                   | omitted                |
| 487                   | 433                    | Form 1                | Form 1                 |
| 488                   | 434                    | Form 2                | Form 2                 |
| 489                   | 435                    | Form 3                | Form 3                 |
| 490                   | 436                    | Form 4                | Form 4                 |
| 491                   | 437                    | Form 5                | Form 5                 |
| 492                   | 438                    | Form 6                | Form 6                 |
| 493                   | 439                    | Form 7                | Form 7                 |
| 494                   | 440                    | Form 8                | Form 8                 |
| 495                   | 441                    | Form 9                | (repealed)             |
| 496                   | 442                    |                       |                        |



# MUNICIPAL ACT

R.S.O. 1990, c. M.45

Amended 1991, c. 11, s. 5; in force January 1, 1991

Amended 1991, c. 15, ss. 1 to 6; in force June 27, 1991

Amended 1991, c. 54, s. 9; in force December 19, 1991

## 1. (1) **Definitions.**—In this Act,

“arbitration” means an arbitration under this Act; (“arbitrage”)

“assessment commissioner”, in relation to a municipality, means the assessment commissioner appointed under the *Assessment Act* for the assessment region in which the municipality is situate; (“commissaire à l’évaluation”)

“Assessment Review Board” means the Assessment Review Board under the *Assessment Review Board Act*; (“Commission de révision de l’évaluation foncière”)

“assessor” means the assessment commissioner and anyone acting under his or her authority; (“évaluateur”)

“bridge” means a public bridge, and includes a bridge forming part of a highway or on, over or across which a highway passes; (“pont”)

“city”, “town”, “village”, “township” and county” respectively mean a city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of this Act; (“cité”, “ville”, “village”, “canton”, “comté”)

“debt” includes obligation for the payment of money; (“dette”)

“electors”, when applied to a municipal election, means the persons entitled to vote at a municipal election and when applied to voting on any by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors; (“électeurs”)

“highway” means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes; (“voie publique”)

“land” includes lands, tenements and hereditament, and any estate or interest therein, and any right or easement affecting them, and land covered with water; (“bienfonds”)

“local municipality” means a city, town, village and township; (“municipalité locale”)

“member”, referring to a member of a council, includes the head of the council and a member of a board of control; (“membre”)

“Minister” means the Minister of Municipal Affairs; (“ministre”)

“Ministry” means the Ministry of Municipal Affairs; (“ministère”)



- “money by-law” means a by-law for contracting a debt or obligation or for borrowing money other than a by-law passed under section 187; (“règlement municipal de finance”)
- “Municipal Board” means the Ontario Municipal Board; (“Commission des affaires municipales”)
- “municipal electors” means the persons entitled to vote at a municipal election; (“électeurs de la municipalité”)
- “municipality” means a locality the inhabitants of which are incorporated; (“municipalité”)
- “population” means the population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor, whichever is the latest, or by such means as the Municipal Board may direct; (“population”)
- “prescribed” means prescribed by or under the authority of this Act; (“prescrit”)
- “published” means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and “publication” has a corresponding meaning; (“publié”, “publication”)
- “regular election” means regular election as defined in section 1 of the *Municipal Elections Act*; (“élection ordinaire”)
- “separated town” means a town separated for municipal purposes from the county in which it is situate; (“ville séparée”)
- “sewage” includes drainage, storm water, commercial wastes and industrial wastes; (“eaux d’égout”)
- “spouse” means a person of the opposite sex,
- (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or
    - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*; (“conjoint”)
- “township” includes a union of townships and a municipality composed of two or more townships; (“canton”)
- “two-thirds vote” means the affirmative vote of two-thirds of the members of a council present at a meeting thereof; (“vote à la majorité des deux tiers”)
- “urban municipality” means a city, town and village. (“municipalité urbaine”) R.S.O. 1980, c. 302, s. 1; 1982, c. 40, s. 1; 1982, c. 50, s. 1; 1986, c. 64, s. 37(1); 1987, c. 10, s. 1(1, 2), *revised*.

(2) **Unorganized territory.**—For the purposes of this Act, a local municipality is in unorganized territory if it is in a territorial district mentioned in the *Territorial Division Act* and if it is not in The District of Muskoka or The Regional Municipality of Sudbury. 1987, c. 10, s. 1(3).

**2. (1) Evidence may be taken in shorthand.**—Where under this Act evidence is taken orally before an official examiner or a judge, he or she may direct that the evidence be taken in shorthand by a stenographic reporter.

**(2) Fees of reporter, how paid.**—The fees of the stenographic reporter including those for the transcribing of his or her notes shall be paid by the party on whose behalf the evidence is taken, and shall form part of the costs of the proceedings in which the evidence is taken. R.S.O. 1980, c. 302, s. 2.

**3. Registration in land titles division.**—Where registration in a land registry office is prescribed or provided for by this Act, it means, where the *Land Titles Act* is applicable, registration in the office of the proper land registrar of the land titles division in which the land is situate. R.S.O. 1980, c. 302, s. 3.

**4. When occupant deemed to be owner.**—A person in the actual occupation of land,

- (a) under an agreement with the owner for the purchase of it; or
- (b) sold by the Director in accordance with the *Veterans' Land Act* (Canada),

shall be deemed to be the owner, and the unpaid purchase money or balance, as the case may be, shall be deemed to be an encumbrance on the land. R.S.O. 1980, c. 302, s. 4.

**5. Power to acquire includes expropriation.**—Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise expressly provided, it includes the power to acquire by purchase or otherwise and to enter on and expropriate. R.S.O. 1980, c. 302, s. 5.

**6. Special Acts not affected.**—Except where otherwise expressly provided, this Act does not affect the provisions of any special Act relating to a particular municipality. R.S.O. 1980, c. 302, s. 6.

**7. Inhabitants of municipalities to be bodies corporate.**—The inhabitants of every county, city, town, village and township are a body corporate for the purposes of this Act. R.S.O. 1980, c. 302, s. 7.

**8. (1) Names of municipal corporations.**—The name of the body corporate shall be The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)] of . . . . . (municipality). R.S.O. 1980, c. 302, s. 8.

**(2) Idem.**—The body corporate may also have the name of comté [comtés unis, cité, ville, village, canton (as the case may be)] de . . . . . (municipality).

**(3) Idem.**—A municipal corporation may continue to use a French version of its name adopted before the coming into force of the subsection though the French version of the name does not conform to subsection (2). *New*.

**9. Council to exercise corporate powers.**—The powers of a municipal corporation shall be exercised by its council. R.S.O. 1980, c. 302, s. 9.

**PART I**  
**FORMATION, ERECTION, ALTERATION OF BOUNDARIES,**  
**AND DISSOLUTION OF MUNICIPALITIES, ETC.**

**INCORPORATIONS AND ERECTIONS**

**10. (1) Definition.**—In this section, “inhabitant” means a permanent resident or a temporary resident having a permanent dwelling within the locality. (“habitant”) R.S.O. 1980, c. 302, s. 10(1).

**(2) Improvement districts.**—The Municipal Board, upon the application of the Ministry or of not less than thirty inhabitants of a locality situated in territory without municipal organization and having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district. 1982, c. 24, s. 1.

**(3) Townships.**—The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 1,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a township or union of townships.

**(4) Villages.**—The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 500, may incorporate the inhabitants of the locality or a larger or smaller locality as a village.

**(5) Idem.**—The Municipal Board, upon the application of the trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village.

**(6) Towns.**—The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 2,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a town.

**(7) Locality interpreted.**—An application may be made under subsection (2), (3), (4) or (6) with respect to a locality that includes, but is not composed of, a police village or part thereof, but no such application may be made with respect to a locality that includes an urban municipality or any part thereof. R.S.O. 1980, c. 302 s. 10(3-7).

**(8) Qualifications of applicants.**—No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. 1986, c. 64, s. 37 (2).

**(9) Public hearing.**—The Municipal Board, before making an order under this section, shall hold a public hearing in or adjacent to the locality affected, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of The Board. R.S.O. 1980, c. 302, s. 10 (9).

**11. (1) Erection of improvement district, as village or township.**—Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village or a township.

**(2) as town.**—Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town.

(3) **Erection of village or township into town.**—Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town.

(4) **Erection of village, town or township into a city.**—Upon the application, authorized by the Minister,

- (a) of a village or town located in a county and having a population of not less than 15,000; or
- (b) of a township located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

(5) **Idem.**—Upon the application,

- (a) of a village or town not located in a county and having a population of not less than 15,000; or
- (b) of a township not located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

(6) **Application to be authorized by by-law.**—An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct.

(7) **Enlargement of area of city or town to be erected.**—An application for the erection of a city or town under this section may include an application for the annexation of any locality that does not form part of any municipality and which adjoins the applicant municipality and, where the Municipal Board considers it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it.

(8) **Idem.**—Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and section 14 applies with respect to the part of the application, and the order thereon, dealing with the proposed annexation. 1981, c. 70, s. 23(1).

**12. (1) Names, boundaries, etc.**—Where a municipality is incorporated or erected, the order of the Municipal Board shall direct the name that the municipality shall bear, its boundaries, and the date when the incorporation or erection shall take effect, and may provide for any matters that the Board considers necessary for the establishment and carrying on of the municipality

(2) **County.**—Where an improvement district, village, town or township is incorporated out of parts of two or more counties, it shall be annexed to and form part of that one of the counties which the Municipal Board directs. R.S.O. 1980, c. 302, s. 12(1, 2).

(3) **Additional powers of Board.**—Without restricting the generality of subsection (1), the Municipal Board, by any order made upon an application for incorporation



or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an annexation by subsections 14 (6), (7), (12) and (13), which subsections apply with necessary modifications. R.S.O. 1980, c. 302, s. 12(3); 1981 c. 70, s. 23(2).

(4) **Order of Board conclusive.**—The order of the Municipal Board incorporating or erecting a local municipality is conclusive evidence that all conditions precedent to the making of the order have been complied with and that the local municipality has been duly incorporated or erected in accordance with this Act, and such order shall be registered by the municipality affected as required by section 68 of the *Registry Act* as soon as practicable after the effective date of the order. R.S.O. 1980, c. 302, s. 12(4).

## WARDS

**13. (1) Wards.**—When a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into wards, and shall designate the name or number each ward shall bear.

(2) **Application by council.**—Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, despite any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection (1) and shall declare the date when the division or redivision shall take effect.

(3) **Petition of electors.**—A petition of 75 electors in a municipality having not more than 5,000 electors and of 150 electors in a municipality having more than 5,000 electors may be presented to the council of any local municipality requesting the council to make an application to the Municipal Board to divide or redivide the municipality into wards, and, if the council refuses or neglects to make the application within one month after the receipt by the clerk of the petition, the petitioners or any of them may apply to the Municipal Board for the division or a new division of the municipality into wards, and the Municipal Board, despite any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection (1) and shall declare the date when the division or redivision shall take effect.

(4) **Composition of local boards.**—Where a municipality is divided or redivided into wards under this section, the Municipal Board, despite any general or special Act, may make all such provisions for the composition of any local board as defined in the *Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board considers necessary.

(5) **Dissolution of police villages.**—Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and section 24 applies with necessary modifications.

(6) **O.M.B. hearing.**—The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages,



shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board.

(7) **Power of O.M.B. re composition of council.**—Despite subsections 33 (1), (4), (6), (7), (8), (9) and (10) or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may consider necessary or desirable, but there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy reeves to be elected by general vote or appointed by the council from its own members.

(8) **Petition for works or services in wards.**—A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection (5) may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 343 and that may be lawfully provided within a defined area in the township and the whole cost of which may be charged to such area, and, if the council,

- (a) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or
- (b) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or
- (c) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order. R.S.O. 1980, c. 302, s. 13.

#### ALTERATION OF BOUNDARIES

**14. (1) Definition.**—In this section, “local board” means a local board as defined in the *Municipal Affairs Act*. (“conseil local”) 1981, c. 70, s. 23(3), *part*.

(2) **Annexations.**—Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister authorized by the Lieutenant Governor in Council, or upon the application of at least twenty-five inhabitants, being Canadian citizens of the full age of eighteen years, the Municipal Board may by order on such terms as it may consider expedient, annex any locality that does not form part of any municipality to the municipality and any such order may annex a greater or smaller area or areas than the area or areas specified in the application. 1981, c. 70, s. 23(3), *part*; 1986, c. 64, s. 37(3).

(3) **Assent of electors.**—The Municipal Board, before proceeding with the application of the council of any municipality under subsection (2), may require that the by-law of the council shall receive the assent of the electors of such municipality.

(4) **Public hearing to be held by Board.**—The Municipal Board before making any order under subsection (2), shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

(5) **Effect of official plan.**—Where in a municipality affected by a proposed annexation an official plan approved under the *Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister and to the planning board or planning boards having jurisdiction in any area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

(6) **Division into wards.**—The Municipal Board may order a division or redivision of a municipality into wards if, in the opinion of the Board, the annexation renders such division or redivision necessary or desirable.

(7) **Further powers of Municipal Board.**—The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders,

- (a) make all such adjustments of assets and liabilities as between the municipality and any local board affected by any such order as may be agreed upon or, in default of agreement, as the Board may consider equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may consider equitable;
- (c) define special areas within the municipality as enlarged by such annexation having regard to the areas annexed thereto, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 53 of the *Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c), or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;
- (e) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (f) subject to section 20, require the transfer of real property from any local board to the municipality or a local board thereof, and take any such transfer into consideration in the adjustments of assets and liabilities;

- (g) vest real property of any local board in the municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;
- (h) make all such provisions for the composition of the council and any local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first polling lists and assessment rolls, the fixing of days for first meetings of the council and any local boards, and for such other matters as it may consider necessary to provide for the effective administration of the enlarged municipality or of any local board thereof;
- (i) direct the name that shall be borne by the enlarged municipality;
- (j) where the holder of an operating licence under the *Public Vehicles Act* is adversely affected by the annexation,
  - (i) authorize the municipality to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or
  - (ii) direct what compensation, if any, shall be paid by the municipality to the holder of the licence in respect of such adverse effect;
- (k) where by reason of any annexation order made under this section the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to a school board thereof by the annexing municipality or a school board thereof, to relieve such school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable;
- (l) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause (k), authorize and direct the payment to a school board therein by the annexing municipality or a school board thereof, to relieve such school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;
- (m) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the annexation provided for in such order;
- (n) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis



than the last revised assessment of the annexing municipality and is therefor not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, but an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

(8) **Urban service areas.**—The Municipal Board may, by any order made pursuant to an application under this section or a predecessor thereof or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation and determine the manner in which and upon what land or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what land or rateable property the liabilities, in respect of urban services of an annexed locality or area as it existed prior to the annexation, shall be discharged by the imposition of rates in an urban service area.

(9) **Effect of order on exemptions.**—An order under subsection (8) does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

(10) **Farm lands.**—Section 21 of the *Assessment Act* applies to land situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality.

(11) **Determination of compensating grants by Board.**—Where compensating grants are to be determined by the Municipal Board under clause (7)(k), the determination shall not be made until after one complete fiscal year of the municipality has elapsed following the date of the annexation.

(12) **Municipal Board may make rules, etc.**—The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it considers necessary or desirable in connection with any such annexation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

(13) **Provisions of this section to prevail.**—The powers conferred upon the Municipal Board by this section may be exercised at any time or times despite this Act or any other special or general Act and, in the event of any conflict between this section and the other provisions of this Act or any other special or general Act, this section prevails.

(14) **Decision granting annexation.**—Section 95 of the Ontario Municipal Board Act does not apply to a decision of the Municipal Board providing for an annexation or refusing an application for an annexation and such decision,

- (a) shall be in writing;
- (b) shall identify the area to be annexed; and
- (c) shall fix the date when the annexation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

(15) **Notice of objection.**—No order shall be made under subsection (2) until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection (14) and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

(16) **Idem.**—For the purposes of subsection (15), the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote who are resident in,

(a) the municipality that has applied for the order; or

(b) the area that by the decision is to be annexed to the applicant municipality,

and includes, where there are no persons qualified to vote who are resident in the area to be annexed, an objection in writing, giving reasons therefor, authorized by resolution of a school board having jurisdiction in the locality in which such area is situated.

(17) **Withdrawal of objection.**—An objection filed under subsection (15) may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection (18), of a notice in writing of such withdrawal signed by one-third or more of the objectors if the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection (16), or, where the objection was authorized by a school board, of a certified copy of a resolution repealing the authorizing resolution.

(18) **Powers of Lieutenant Governor in Council.**—Where an objection is filed in accordance with subsections (15) and (16) and is not withdrawn, the Lieutenant Governor in Council may by order,

(a) confirm the decision of the Municipal Board; or

(b) require the Municipal Board to hold a new public hearing of the annexation application before such members of the Board as the Lieutenant Governor in Council may designate.

(19) **Finality of decision.**—The decision of the Municipal Board,

(a) where no objection is filed in accordance with subsections (15) and (16) or where the objections thereto are withdrawn in accordance with subsection (17); or

(b) when confirmed by the Lieutenant Governor in Council; or

(c) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection (2).

(20) **Application of O.M.B.A.**—Nothing in this section affects the application of section 96 of the *Ontario Municipal Board Act*.

(21) **Adding parts to municipality in a county or another territorial district.**—Where an area becomes part of a local municipality in a county or another territorial



district, it thereafter forms part of that county or territorial district, except for the purpose of representation in the Assembly.

(22) **Registration of order.**—When an order is made under subsection (2), it shall be registered as required by section 68 of the *Registry Act* as soon as practicable after the effective date of the order,

- (a) where the order is made upon the application of the Minister, by the Minister; and
- (b) where the order is made upon the application of a municipality, by the clerk of the municipality. 1981, c. 70, 23(3), *part*.

**15. (1) Alteration of areas.**—Upon the application of a municipality to alter, enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality or to divide any such area or areas into new areas, the Municipal Board may, on such terms as it considers expedient, by order make such alteration, enlargement, reduction, division, dissolution or amalgamation.

(2) **Public hearing.**—Unless under all the circumstances affecting the matter the Municipal Board considers a public hearing, unnecessary and by order dispenses with it, the Board shall, before making an order under this section, hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. R.S.O. 1980, c. 302, s. 15(1, 2).

(3) **Application of s. 14.**—Section 14, except subsections (4) and (14) to (20), apply with necessary modifications to an application under this section. R.S.O. 1980, c. 302, s. 15(3); 1981, c. 70 s. 23(4).

**16. (1) Union of townships.**—A union of townships shall consist of two or more townships united for municipal purposes and having in common as if one township, all offices and institutions established by law pertaining to township municipalities.

(2) **Annexation of townships in unorganized territory to county.**—The Lieutenant Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township in the county into a union of townships.

(3) **Separation of township from union.**—Upon the application of a union of townships, authorized by by-law of the council thereof, or upon the application of at least seventy-five inhabitants of one of the townships included in a union of townships, the Municipal Board may by order on such terms as it considers expedient separate the township in respect of which the application is made from the union of townships and,

- (a) incorporate the inhabitants of the separated township as a new township; or
- (b) erect the township with an adjoining township into a union of townships.

(4) **Names, boundaries, etc.**—Where a township is separated from a union of townships, the order of the Municipal Board shall direct the name that the remainder of the union shall bear, the name that the new township or union shall bear, the boundaries of the municipalities, and the date when the order shall take effect, and may provide for any matters that the Board considers necessary for the establishment and carrying on of the municipalities.

(5) **Application of s. 14.**—Section 14, except subsections (19) to (25), apply with necessary modifications to an application under subsection (3). R.S.O. 1980, c. 302, s. 16.

### MATTERS CONSEQUENT ON INCORPORATIONS, ERECTIONS, ALTERATIONS OF BOUNDARIES, ETC.

**17. (1) By-laws to remain in force on incorporations, etc.**—The incorporation of a locality as an improvement district, township, village or town, or the erection of an improvement district into a village, township or town, or the erection of a village or township into a town, or the erection of a village, town or township into a city, or the separation of a township from a union of townships, does not affect the by-laws then in force in the locality or municipality, and they remain in force in the locality or municipality until repealed by the council of the newly incorporated or erected municipality. R.S.O. 1980, c. 302, s. 17(1).

(2) **Proviso.**—Nothing in this section authorizes the amendment or repeal of a by-law that the council by which it was passed could not lawfully amend or repeal.

(3) **Dissolution of police village included in area erected into an urban municipality.**—Where a township or part of a township in which a police village is situate is erected into an urban municipality, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses 24(6)(d), (e), (f) and (j) and subsection 24(7) apply with necessary modifications. R.S.O. 1980, c. 302, s. 17(3, 4).

**18. By-laws in force in annexed territory.**—Except where otherwise ordered by the Municipal Board, where a locality is annexed to a municipality, the by-laws of the municipality extend to the locality and any by-laws then in force in the locality cease to apply to it. 1981, c. 70, s. 23(6), *part*.

**19. (1) Assets, etc., on erections.**—Where,

- (a) an improvement district is erected into a village, township or town;
- (b) a village or township is erected into a town; or
- (c) a village, town or township is erected into a city,

all the assets and liabilities of the former municipality and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place of the former municipality and its local boards.

(2) **Idem.**—Without limiting the generality of subsection (1), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for the year in which the

erection takes place, as if such taxes had been imposed by the new municipality. 1981, c. 70, s. 23(6), *part*.

**20. Disposition of real property on separation from union of townships.**—Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated township and the remainder of the real property is the property of the remainder of the union. 1981, c. 70, s. 23(6), *part*.

**21. (1) Unpaid taxes.**—Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, any taxes that are unpaid at the time the incorporation takes effect belong to the newly incorporated municipality, and may be collected and recovered by it as if they had been imposed by it.

(2) **Idem.**—The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality under subsection (1), shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation. 1981, c. 70, s. 23(6), *part*.

**22. Jurisdiction of old council on incorporations, etc.**—Where,

- (a) a locality is incorporated as an improvement district, township, village, or town;
- (b) an improvement district is erected into a village, township or town;
- (c) a village or township is erected into a town,
- (d) a village, town or township is erected into a city; or
- (e) a township is separated from a union of townships,

and the council of the new municipality is not organized until after the time of the incorporation, erection or separation, the council having authority in the locality, municipality or separated township at the time of the incorporation, erection or separation shall, until the council of the new municipality is organized, continue to have the same powers as before the incorporation, erection or separation. R.S.O. 1980, c. 302, s. 22(1).

**23. (1) Power to proceed with local improvements upon land annexed to another municipality.**—Where a work or service coming within the provisions of the *Drainage Act* or of the *Local Improvement Act* has been undertaken by a municipality and, after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the municipality from which the land becomes or is detached may complete the work or service, and may enter upon and acquire any land lying within the new or annexing municipality necessary for the completion of such work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money and do all such other acts and things as are necessary to complete the work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.



(2) **Municipality to which territory annexed to indemnify municipality undertaking work.**—The municipality by which the work or service was undertaken shall be indemnified by the new municipality or the annexing municipality against all debts and liabilities incurred by it before the formation of the new municipality or the annexation for or in respect of any such work or service to the extent to which the land lying within such new or annexing municipality was specially assessed, and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

(3) **Assumption of debt where all of land specially assessed is detached.**—Where the land specially assessed lies wholly within the new or annexing municipality, the latter is liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of the new or annexing municipality with certified copies of all the by-laws relating to the work or service and the rates imposed by such by-laws shall be collected by the new or annexing municipality, and the latter shall pay the principal and interest of the debentures issued in respect of the work or service as they become due and shall indemnify the municipality from which the land was detached against the same.

(4) **Collection of special rates, etc., where only part of land specially assessed is detached.**—Where only part of the land specially assessed lies within the new or annexing municipality, the clerk of the municipality from which it was detached shall furnish the clerk of the new or annexing municipality with a certified copy of the by-law imposing the special assessment, and the new or annexing municipality, in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the municipality from which it was detached for its share of the cost of the work or service shall be taken into account. R.S.O. 1980, c. 302, s. 23.

## DISSOLUTIONS

**NOTE:** The following s. 24 was amended by 1991, c. 15, s. 1 as s. 25.

**24. (1) Definition.**—In this section, “municipality” means local municipality, and includes,

- (a) a police village;
- (b) an elementary school board having jurisdiction only in territory without municipal organization;
- (c) a secondary school board having jurisdiction only in territory without municipal organization;
- (d) road commissioners under the *Statute Labour Act* having jurisdiction only in territory without municipal organization. (“municipalité”) R.S.O. 1980, c. 302, s. 25(1), *revised*.

(2) **Dissolution of municipality, etc.**—Upon the application, authorized by by-law,

- (a) of a municipality to have the municipality dissolved;



- (b) of a municipality to have dissolved one of its local boards that it is not required by law to have and for the dissolution of which no provision is made by law;
- (c) of a municipality that adjoins territory without municipal organization for the detachment from the municipality of any part or parts thereof; or
- (c.1) of a township to have a police village, any part of which comprises part of that township dissolved,

the Municipal Board may by order on such terms as it may consider expedient,

- (d) dissolve the municipality;
- (e) dissolve the local board; or
- (f) detach from the municipality such part or parts or any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day named therein. R.S.O. 1980, c. 302, s. 25 (2); 1991, c. 15, s. 1(1).

(3) **Application by Minister.**—The Lieutenant Governor in Council may authorize the Minister to apply to the Municipal Board for any purposes mentioned in clause (2)(a), (b) or (c), and in such case the Municipal Board has the same powers as if the application had been made under subsection (2) by the municipality concerned.

(4) **Assent of electors.**—The Municipal Board, before proceeding with an application under subsection (2), may require the assent of the electors of the municipality. R.S.O. 1980, c. 302, s. 25(4, 5).

(5) **Public hearing.**—The Municipal Board, before making an order under subsection (2), shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. R.S.O. 1980, c. 302, s. 25(6); 1982, c. 50, s. 3.

(6) **Powers of Board.**—The Municipal Board may by any order under subsection (2) or by subsequent order or orders,

- (a) in the case of an application under clause (2)(a) or (c.1), declare that the municipality dissolved shall be an improvement district or that the land comprising the municipality or any part or parts thereof shall be annexed to another municipality or municipalities or that the land comprising the municipality or any part or parts thereof shall become territory without municipal organization;
- (b) in the case of an application under clause (2)(b), provide for the disposition of the assets and liabilities of the local board in such manner as may be agreed upon or, in default of agreement, as the Board considers equitable;
- (c) in the case of an application under clause (2)(c), declare that the land detached from the applicant municipality shall be an improvement district or that such land or any part or parts thereof shall be annexed to another municipality or municipalities or that such land or any part or parts thereof shall become territory without municipal organization;
- (d) make all such adjustments of assets and liabilities as between any municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board considers equitable;

- (e) define the municipality dissolved or the land detached as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality dissolved or the land detached shall be discharged by the imposition of rates upon the rateable property in such area or otherwise;
- (f) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to any Act, upon such terms and conditions as it considers necessary or desirable, and subsections 14(12), (13) and (14) apply with necessary modifications;
- (g) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 82 of the *Power Corporation Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village;
- (h) appoint one or more referees, who shall have all the powers mentioned in section 53 of the *Ontario Municipal Board Act*, to inquire into and report to the Board upon the disposition and adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses (b), (d) and (e), or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting, varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;
- (i) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (j) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the dissolution or detachment provided for in the order.

(7) **Rules, etc.**—The Municipal Board may make such rules and regulations and issue such orders and directions with respect to any matter not specifically provided for in this section as it considers necessary or desirable in connection with the dissolution or detachment. R.S.O. 1980, c. 302, s. 25(7, 8); 1991, c. 15, s. 1(2).

**25. Notice by Minister to Municipal Board to stay proceedings.**—When the Minister institutes an inquiry into the structure, organization and methods of operation of one or more municipalities, the Minister may give notice to the Municipal Board of such inquiry and that in his or her opinion any application or applications made under this Part should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until the Minister gives notice to the Municipal Board that they may be continued. R.S.O. 1980, c. 302, s. 26.

## PART II MUNICIPAL COUNCILS—COMPOSITION

### COUNTIES

**26. (1) County councils.**—The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county.

**(2) Vote of reeve and deputy reeve in towns, villages and townships.**— Where a town not being a separated town, or a village, or a township in a county, has more than 2,000 and not more than 3,000 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 3,000 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote.

**(3) Application of s. 35(2, 3, 6).**—Subsections 35(2), (3) and (6) apply to this section. R.S.O. 1980, c. 302, s. 27.

**27. (1) Alternative composition of county council.**—Despite section 26, the council of a county may provide that the council of the county shall be composed of the reeves of the towns, not being separated towns, and of the villages and townships in the county together with the deputy reeves of such towns, villages and townships where they have 2,500 or more municipal electors.

**(2) Vote of reeve and deputy reeve in towns, villages and townships.**—Where provision for composition of the council is made under subsection (1), subsection 26(2) does not apply and where a town, not being a separated town, or a village or a township in a county, has more than 5,000 and not more than 7,500 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 7,500 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote.

**(3) Application of s. 35(2, 3, 6).**—Subsections 35(2), (3) and (6) apply to this section. R.S.O. 1980, c. 302, s. 28.

**28. (1) Alternative composition of county council.**—Despite section 26, the council of a county may provide that the council of the county shall be composed of only the reeves of the towns, not being separated towns, and of the villages and townships in the county.

**(2) Vote of reeve in towns, villages and townships.**—Where provision for composition of the council is made under subsection (1), subsection 26(2) does not apply, and where a town, not being a separated town, or a village or a township in a county, has more than 1,000 and not more than 2,000 municipal electors, the reeve as a member of the county council has an additional vote, where it has more than 2,000 and not more than 3,000 municipal electors the reeve has two additional votes, and where it has more than 3,000 municipal electors the reeve has three additional votes.

**(3) Application of s. 35(2, 3, 6).**—Subsections 35(2), (3) and (6) apply to this section.



(4) **Time for passing by-law.**—A by-law for any of the purposes mentioned in subsection (1) or subsection 27(1) or a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*. R.S.O. 1980, c. 302, s. 29.

### CITIES

**29. (1) City councils.**—The council of a city shall be composed of a mayor, the members of the board of control if the city has such a board, and the following number of other members of council,

- (a) three members for each ward;
- (b) where the council by by-law so provides, two members for each ward; or
- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides, one member for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

(2) **By-law for election by general vote.**—In the case provided for by clause (1)(c), or where the council of a city having a population of more than 15,000 by by-law so provides, the members of council to be elected under that clause shall be elected by general vote, and in the latter case the number of members shall be the same as if they were elected by wards. 1987, c. 10, s. 2(1).

(3) **Repeal of by-law.**—A by-law for the purposes mentioned in clause (1)(b) or (c) shall not be repealed until at least two regular elections have been held under it and a by-law under subsection (2) shall not be repealed until at least three regular elections have been held under it.

(4) **When and how by-law to be passed.**—A by-law for any of the purposes mentioned in subsections (1) and (2) and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

(5) **When by-law to take effect.**—Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the municipal election next after the passing of it.

(6) **Submission of by-law on petition of electors.**—Subject to subsections (3) and (7), where the petition of at least one-fifth of the municipal electors is presented praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause (1)(c), or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection (2), or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

(7) **Time for presentation of petition.**—A petition for any of the purposes mentioned in subsection (6) shall, in an election year, be presented not later than

thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*. R.S.O. 1980, c. 302, s. 30(3-7).

(8) **“Alderman”**.—The members of the council of a city, other than the mayor and members of the board of control, shall have the title “alderman” in English and “conseiller” in French.

(9) **“Councillor”**.—Despite subsection (8) or any other Act, the council of a city may by by-law change the English title “alderman” to “councillor” or vice versa.

(10) **Idem.**—A by-law under subsection (9) passed after the 30th day of June in the year of a regular election and before the 1st day of December in that year is of no effect. 1987, c. 10, s. 2(2), *part, revised*.

(11) **Idem.**—Not more than one by-law shall be passed during the term of a council to change the title of members of the council. 1987, c. 10, s. 2(2), *part*.

## TOWNS

**30. (1) Councils of towns in unorganized territory.**—The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote or, where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

(2) **Councils of towns over 5,000.**—If the town has a population of not less than 5,000, the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

(3) **Election by wards.**—Where a town in unorganized territory has been divided into wards, the council may provide that the council shall be composed of a mayor and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. R.S.O. 1980, c. 302, s. 31.

**31. (1) Councils of towns of more than 5,000 in counties.**—Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and three councillors for each ward, but, if there are five or more wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward.

(2) **Alternate powers.**—Where the town has less than five wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and six councillors, or a mayor, a reeve, a deputy reeve where so entitled, and four councillors, to be elected by general vote, and, where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and one councillor for each ward.

(3) **Case of town of not more than 5,000.**—Where the town has a population of not more than 5,000, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and,



- (a) six councillors to be elected by general vote or, where the council so provides, four councillors to be elected by general vote; or
- (b) where the council so provides, one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote.

(4) **Repeal of by-law.**—A by-law passed under section 30 or under subsection (2) or (3) of this section shall not be repealed until two regular elections have been held under it.

(5) **Time for passing of by-laws; assent of electors.**—A by-law passed under section 30 or under subsection (2) or (3) of this section, and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

(6) **When by-law to take effect.**—Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the municipal election next after its passing.

(7) **Submission of question on petition of electors.**—Subject to subsections (4) and (9), where a petition of not less than one-fifth of the municipal electors is presented asking the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the petition.

(8) **Submission of question of repeal.**—Subject to subsections (4) and (9), where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the petition.

(9) **Time for presentation of petition.**—A petition presented under subsection (7) or (8) shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*. R.S.O. 1980, c. 302, s. 32.

**32. Population.**—For the purposes of sections 29 to 31, the population shall be determined by the latest census made by the assessor under the *Assessment Act*. R.S.O. 1980, c. 302, s. 33.

## VILLAGES AND TOWNSHIPS

**33. (1) Councils of villages and townships in counties.**—In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

(2) **Villages and townships with population of 10,000 or more.**—If a village or township in a county has a population of not less than 10,000, the council may by by-law provide that the council shall be composed of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up seven in all to be elected by general vote.

(3) **Time for passing by-law.**—A by-law for the purpose mentioned in subsection (2) and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*, and such by-law shall take effect at and for the purpose of the municipal election next after the passing of it.

(4) **Wards.**—Where a village or township is divided into wards, the council, despite any general or special Act, shall be composed of a reeve to be elected by general vote, and a deputy reeve and a councillor to be elected for each ward and, where there are less than five wards, the Municipal Board may by order provide for an additional councillor for any ward having a population greater than 10,000.

(5) **County council.**—Despite any other provision, no village or township shall have greater representation upon the county council than the reeve and one deputy reeve to be appointed by the council.

(6) **Alternative composition where wards.**—The council of a village or township divided into wards may by by-law provide that thereafter the council shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000.

(7) **Repeal of by-law.**—A by-law passed under subsection (6) shall not be repealed until at least two regular elections have been held under it.

(8) **Time for passing, assent of electors.**—A by-law for the purpose mentioned in subsection (6) and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with the *Municipal Elections Act*, and such by-law shall not be passed until it has received the assent of the municipal electors.

(9) **Where assent unnecessary.**—Despite subsection (8), a by-law for the purpose mentioned in subsection (6) may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors.

(10) **Effective date.**—Every such by-law, including a repealing by-law, shall take effect at and for the purpose of the municipal election next after the passing of it. R.S.O. 1980, c. 302, s. 34.

**34. (1) Councils of villages and townships in unorganized territory.**—In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors to be elected by general vote.

(2) **Where population of 2,000 or more.**—If the village or township has a population of not less than 2,000, the council may provide that the council shall consist of a reeve and six councillors, a reeve and seven councillors or a reeve and nine councillors.

(3) **Election by wards.**— If the village or township has been divided into wards, the council may provide that the council shall consist of a reeve and one councillor for each ward and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. R.S.O. 1980, c. 302, s. 35.

### TOWNS, VILLAGES AND TOWNSHIPS

**35. (1) Deputy reeves.**—Every town not being a separated town, village and township in a county is entitled where it has more than 1,000 municipal electors to a deputy reeve.

(2) **Number of electors, how determined.**— The number of municipal electors for a municipality shall be determined from the polling lists for an election in the municipality last revised and certified by the clerk under the *Municipal Elections Act*, but, in counting the names, the name of the same person shall not be counted more than once.

(3) **Certificate of clerk.**—It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the polling lists last revised and certified by the clerk under the *Municipal Elections Act*, forthwith after revision of the lists to send by registered mail to the clerk of the county a certificate under his or her hand and the seal of the corporation, stating the total number of municipal electors for the municipality according to such lists who are to be counted under subsection (2) and to post up in his or her office a duplicate of such certificate. R.S.O. 1980, c. 302, s. 36(1-3).

(4) **Right to deputy reeve.**—Where the right of a municipality in any county to a deputy reeve is contested, any municipal elector in the county may commence an action in the Ontario Court (General Division) for a declaration that the municipality is or is not entitled to a deputy reeve. R.S.O. 1980, c. 302, s. 36(4), *revised*.

(5) **Mode of trial, etc.**—Sections 123 to 130 of the *Municipal Elections Act* apply with necessary modifications to an action brought under this section. R.S.O. 1980, c. 302, s. 36(5).

(6) **Offence.**—The clerk is guilty of an offence if the certificate is not sent within the prescribed time or if the clerk certifies to a larger number of electors than the last revised polling lists show. 1989, c. 72, s. 52(1).

### QUALIFICATIONS OF MEMBER OF COUNCIL

**36. Qualification of candidates.**—Every person is qualified to be elected or to hold office as a member of a council of a local municipality,

- (a) who is entitled to be an elector under section 13 or 14 of the *Municipal Elections Act* for the election of members of the council; and
  - (b) who is not disqualified by this or any other Act from holding such office.
- R.S.O. 1980, c. 302, s. 37; 1988, c. 33, s. 13.



## DISQUALIFICATION

**37. (1) Persons disqualified from being members of council.**—The following are not eligible to be elected a member of a council or to hold office as a member of a council:

1. Except during a leave of absence granted under subsection (5), an employee of the municipality or of a local board thereof as defined in the *Municipal Affairs Act*, except an employee of a school board, and a commissioner, superintendent or overseer of any work, whose appointment is authorized under section 256.
2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada.
4. A Crown employee within the meaning of the *Public Service Act* who is a deputy minister or who is in a position or classification designated in the regulations made under that Act for the purposes of section 11 thereof.
5. A person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario. R.S.O. 1980, c. 302, s. 38(1).

**(2) Disqualification.**—A member of council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,

- (a) ceases to be a Canadian citizen;
- (b) is not a resident in the municipality, the owner or tenant of land in the municipality or the spouse of an owner or tenant in the municipality; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of member of council of the municipality if an election was held at that time. 1990, c. 28, s. 101, *part*.

**(3) Other eligibility requirements.**—In addition to the persons that are not eligible to be elected a member of a council or to hold office as a member of a council under paragraph 1 of subsection (1), and except during a leave of absence granted under subsection (5), an employee of a metropolitan, regional or district municipality or of any area municipality within that metropolitan, regional or district municipality is not eligible to be elected a member of the council of any area municipality within that metropolitan, regional or district municipality or to be elected a member of the council of that metropolitan, regional or district municipality or to hold office as a member of any such council.

**(4) Restructured county deemed regional municipality.**—For the purposes of subsection (3), a county that has been restructured to provide that it is composed of area municipalities shall be deemed to be a regional municipality.

**(5) Leave of absence.**—Any employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 256 who proposes to be a candidate to hold office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection (3) applies shall apply to the council of the municipality or to the local board, as the case may be, of which he or she is an employee for leave of absence without pay for a period,



- (a) not longer than that commencing thirty days before the beginning of the period during which candidates may be nominated under the *Municipal Elections Act* and ending on polling day; and
- (b) not shorter than that commencing on the last day of the period during which candidates may be nominated under the *Municipal Elections Act* and ending on polling day,

and every such application shall be granted.

(6) **Resignation.**—Where an employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 256 who is a candidate for office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection (3) applies under a leave of absence granted under subsection (5) is elected, he or she shall forthwith resign the position as an employee.

(7) **Service deemed continuous.**—Where an employee of a municipality or of a local board has been granted leave of absence under subsection (5) and was not elected, the period of leave of absence shall not be computed in determining the length of his or her service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes.

(8) **Volunteer firefighters.**—A person is not ineligible to be elected or to hold office as a member of council by reason only of being a volunteer firefighter as defined in the *Fire Departments Act* and subsections (5), (6) and (7) do not apply to a person who is a volunteer firefighter but who is not otherwise employed by the municipality or a local board thereof. R.S.O. 1980, c. 302, s. 38(2-7).

(9) **Definitions.**—In subsection (2), “owner or tenant”, “resident” and “spouse” have the same meaning as in the *Municipal Elections Act*. (“conjoint”, “propriétaire ou locataire” et “résident”) 1990, c. 28, s. 101, *part*.

### PART III VACANCIES

**38. Vacancies.**—The seat of a member of council becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 37;

- (b) has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;

- (c) is absent from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;

- (d) files a resignation with the clerk of the municipality as provided in subsection 108(10) of the *Municipal Elections Act*, for the purpose of becoming a candidate for some other office;

- (e) resigns from his or her office and the resignation is effective under section 41;

- (f) is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;
- (g) has his or her office declared vacant in any judicial proceedings;
- (h) forfeits his or her office under this or any other Act; or
- (i) dies, whether prior or subsequent to accepting office and making the prescribed declarations. R.S.O. 1980, c. 302, s. 39.

**39. (1) County council vacancies.**—If not already vacant by virtue of any Act, the seat of a reeve or deputy reeve on the council of a local municipality becomes vacant if his or her seat on the county council is declared vacant by the county council.

**(2) Idem.**—Where a county council declares the seat of one of its members to be vacant and, as a result of the declaration, the seat of that member on the council of a local municipality becomes vacant under subsection (1), the county council shall forthwith cause a copy of its declaration to be forwarded to the council of the local municipality and that council shall forthwith declare the seat of the member on that council to be vacant. 1982, c. 24, s. 2.

**40. Holding more than one elective office prohibited.**—No person may hold more than one office, election to which is governed by the *Municipal Elections Act*, whether in the same or in two or more municipalities and, if a person is nominated for and his or her name appears on the ballots for more than one of such offices and he or she is elected to any of such offices, his or her election is void and the office is vacant. R.S.O. 1980, c. 302, s. 40.

**41. Resignation of member with consent of council.**—A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign from office and his or her seat on the council shall then be vacant, but the member shall not vote on a motion as to his or her own resignation and the resignation may not be accepted and is not effective if it would reduce the number of the members of the council to less than a quorum. R.S.O. 1980, c. 302, s. 41.

**42. (1) Resignation of warden.**—The warden of a county may resign from office by notice in writing filed with the county clerk and the office then becomes vacant.

**(2) Vacancy in office of warden, how filled.**—Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing to do so by a majority of them, shall call a special meeting of the council to fill the vacancy. R.S.O. 1980, c. 302, s. 42.

**43. Duty of council to declare seat vacant.**—Where the seat of a member of a council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant. R.S.O. 1980, c. 302, s. 43.

**44. (1) Action for declaration that seat vacant.**—Any elector entitled to vote at the election of members of a council may commence an action in the Ontario Court (General Division) for a declaration that the office of a member of such council has become vacant in accordance with this Act. R.S.O. 1980, c. 302, s. 44(1), *revised*.

(2) **Time for bringing action.**—No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the council came to the knowledge of the person bringing such action.

(3) **Power of court.**—Where in an action under this section, the court finds that the office of a member of the council has become vacant, the court may order that the member be removed from office and declare that the office is vacant.

(4) **Mode of Trial.**—Sections 123 to 130 of the *Municipal Elections Act* apply with necessary modifications to an action brought under this section.

(5) **Joining of claims.**—A claim in an action under this section may be joined with a claim in an action under section 122 of the *Municipal Elections Act*, and such claims may be heard and disposed of in the same action. R.S.O. 1980, c. 302, s. 44(2-5).

### APPOINTMENTS TO VACANCIES

**45. (1) Filling vacancy by appointment.**—Subject to section 46, where a vacancy occurs in the office of a member of the council of a local municipality, the council at a meeting called for that purpose shall appoint a person who has consented to accept the office if he or she is appointed to fill the vacancy and,

- (a) in the case of the office of councillor or alderman, such person is a person qualified to hold office as a member of the council; and
- (b) in the case of the office of mayor, reeve, deputy reeve or controller, such person is a member of the council on the date of the appointment.

(2) **Where vote to be taken by clerk.**—If more than one person is nominated for appointment to fill a vacancy under this section, a vote of the members of council shall be taken by the clerk at a regular meeting or at a special meeting called for the purpose.

(3) **Majority vote required.**—A person nominated under this section who receives the votes of more than one-half the number of all members of council shall fill the vacancy for which the vote by council was held.

(4) **Procedure where no majority vote obtained.**—Where a candidate for appointment under this section receiving the greatest number of votes cast does not receive more than one-half the votes of all members of council, the candidate who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the clerk, and if necessary more than once, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half the votes of the members of council present and voting.

(5) **Idem.**—Where the votes cast in a vote under this section are equal for all the candidates,

- (a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or
- (b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.

(6) **Definition.**—For the purposes of subsection (5), “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by a person chosen by the clerk. (“tirer au sort”) R.S.O. 1980, c. 302, s. 45.

**46. (1) Filling vacancy by election.**—Subject to subsection (3), where a vacancy occurs in the office of a member of the council of a local municipality, the council may by by-law require an election to be held to fill the vacancy and where the council passes such a by-law the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 108 of the *Municipal Elections Act*.

(2) **Idem.**—Subject to subsection (3), where a direction is given in any judicial proceedings to hold an election to fill a vacancy on a council, the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 108 of the *Municipal Elections Act*.

(3) **Vacancy after March 31st of election year.**—Where a vacancy occurs in the office of a member of the council of a local municipality after the 31st day of March of an election year as defined in the *Municipal Elections Act*, the vacancy shall not be filled by a new election as provided in subsection (1) or (2) but the council shall fill such vacancy in accordance with section 45 within forty-five days after the day that the vacancy occurs, but where the vacancy occurs less than forty-six days prior to nomination day for the election to be held in that year the vacancy need not be filled. R.S.O. 1980, c. 302, s. 46.

**47. Term of office.**—A person appointed or elected to an office under section 45 or 46 shall hold office for the remainder of the term of the person whose place he or she is appointed or elected to fill. R.S.O. 1980, c. 302, s. 47.

**48. (1) Declaration that all seats vacant.**—If, because of a failure to obtain a quorum, the council of a municipality or a local board thereof is unable to hold a meeting, or a subsequent meeting within sixty days of the meeting that was not held, the Minister may by order declare all the seats of the members of the council or local board, as the case may be, to be vacant and a new election shall be held in accordance with section 108 of the *Municipal Elections Act*.

(2) **Interim administration.**—If the Minister makes an order under subsection (1) or the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with section 108 of the *Municipal Elections Act*, and the members so elected have taken office. 1987, c. 10, s. 3.



## PART IV MEETINGS OF MUNICIPAL COUNCILS

### FIRST MEETING OF COUNCIL

**49. (1) First meeting of council, local municipality.**—The first meeting of the council of a local municipality after a regular election shall be held not later than the second Tuesday in December, and the meeting shall be held at 11 o'clock in the forenoon or at such hour as may be fixed by by-law.

**(2) county.**—The first meeting of the council of a county after a regular election shall be held after the councils of the municipalities that form part of the county for municipal purposes have held their first meetings under subsection (1) but in any event not later than the third Tuesday in December, and the meeting shall be held at 2 o'clock in the afternoon or at such hour as may be fixed by by-law.

**(3) Declarations of office before business.**—No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

**(4) When council deemed organized.**—A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with despite the failure of any of the other members to make such declarations. R.S.O. 1980, c. 302, s. 49.

**50. Certificate of election.**—A member of a county council shall not take his or her seat until the member has filed with the clerk of the county council a certificate (Form 2) under the hand of the clerk of the municipality for which he or she was elected and the seal of the corporation. R.S.O. 1980, c. 302, s. 50.

**51. (1) Warden, election.**—The council of a county shall, in each year of its term at its first meeting at which a majority of all the members is present, elect one of the members to be warden.

**(1.1) Term.**—Despite subsection (1), the council of a county may, by by-law passed in the first year of its term before electing one of its members to be warden, provide that the term of office of warden shall be the term of office of the council of the county.

**(1.2) Restriction on repeal.**—A by-law passed under subsection (1.1) shall not be repealed once a warden has been elected, until the succeeding council of the county is deemed to be organized under subsection 49 (4).

**(2) Clerk to preside.**—The clerk shall preside or, if there is no clerk, the members present shall select a member to preside, and the person so elected may vote as a member. R.S.O. 1980, c. 302, s. 51(1, 2); 1991, c. 15, s. 2.

**(3) Election of warden.**—Subject to subsection (4) and despite section 61, the warden shall be elected in the manner provided by by-law passed by council prior to the election.

**(4) Tie vote.**—In the case of an equality of votes for warden, the successful candidate shall be determined by the clerk or presiding member placing the names

of the candidates on equal size pieces of paper in a box and one name being drawn by a person chosen by the clerk or presiding member.

(5) **Number of votes.**—Despite this Act, for the purposes of electing the warden, each member of county council shall have one vote. 1988, c. 31, s. 1.

### PLACE OF MEETING

**52. Place of first meeting of county council.**—The first meeting of a county council shall be held at the county hall if there is one and, if there is none, at the court house. R.S.O. 1980, c. 302, s. 52.

**53. Subsequent meetings.**—The subsequent meetings of the county council and all meetings of every other council shall be held at such place as the council from time to time appoints. R.S.O. 1980, c. 302, s. 53.

**54. (1) Location of offices, county.**—The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and employees within such municipality and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

(2) **township.**—The council of a township has the like power in respect of an adjacent urban municipality or township in the same county. R.S.O. 1980, c. 302, s. 54.

**55. (1) Open meetings.**—The meetings, except meetings of a committee including a committee of the whole, of every council and of every local board as defined by the *Municipal Affairs Act*, except police services boards and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

(2) **Exclusion of certain persons.**—The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1980, c. 302, s. 55.

**56. (1) Quorum.**—A majority of the whole number of members required to constitute a council is necessary to form a quorum.

(2) **Where council consists of five members.**—Where a council consists of only five members, the concurrent votes of at least three of them are necessary to carry any resolution or other measure. R.S.O. 1980, c. 302, s. 56.

**57. (1) Head of council to preside.**—The head of the council shall preside at all meetings of the council.

(2) **Special meeting.**—The head of the council may at any time summon a special meeting, and upon receipt of the petition of the majority of the members of the council the clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. R.S.O. 1980, c. 302, s. 57.

**58. Place of special meeting.**—If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of

the council, expressed by resolution in writing, the public interest requires. R.S.O. 1980, c. 302, s. 58.

**59. Casual absence of presiding officer.**—If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he or she has the same authority as the absent person would have had if present. R.S.O. 1980, c. 302, s. 60.

**60. Head or presiding officer may vote; equality of votes.**—The head of the council, or the presiding officer, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negated. R.S.O. 1980, c. 302, s. 61.

**61. (1) Recorded votes.**—Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote. 1982, c. 24, s. 3.

**(2) No vote by ballot.**—No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. R.S.O. 1980, c. 302, s. 62 (2).

**62. Adjournment.**—A council may adjourn its meetings from time to time. R.S.O. 1980, c. 302, s. 65.

**63. Voting of county councillors in committee.**—The council of a county may by by-law provide that a member who in council has an additional vote by virtue of subsection 26(2) shall as a member of any committee have an additional vote therein. R.S.O. 1980, c. 302, s. 66.

## PART V BOARDS OF CONTROL

**64. (1) In cities of not less than 100,000.**—Subject to subsection (2), in cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

**(2) City may dispense with board of control.**—The council of a city having a population of not less than 100,000 may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law providing that the city shall not have a board of control.

**(3) Approval of Municipal Board.**—No by-law passed under subsection (2) shall come into force without the approval of the Municipal Board. R.S.O. 1980, c. 302, s. 67.



**65. (1) In cities or towns of not less than 45,000 and other local municipalities of not less than 100,000.**—In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law,

- (a) where the council, excluding the head of council, reeve and deputy reeve, consists of ten or more members, providing that there shall be a board of control consisting of the head of council and four controllers to be elected by general vote; or
- (b) where the council, excluding the head of council, reeve and deputy reeve, consists of less than ten members, providing that there shall be a board of control consisting of the head of council and two controllers to be elected by general vote; or
- (c) where the council of a municipality has passed a by-law or by-laws providing that the council shall consist of ten or more members to be elected at the next election of members of the council, providing that, commencing with the first year in which the enlarged council holds office, there shall be a board of control consisting of the head of council and four controllers to be elected by general vote.

(2) **Approval of Municipal Board.**—No by-law passed under subsection (1) or a by-law that repeals a by-law passed under subsection (1) comes into force without the approval of the Municipal Board.

(3) **Composition of council.**—Despite this Act, where the council of a municipality provides that there shall be a board of control in the municipality, the council shall be composed of such members, except a reeve who is not the head of council and a deputy reeve, as are otherwise provided in this Act together with the members of the board of control.

(4) **County representation.**—For the purpose of representation on county council,

- (a) in the case of a town,
  - (i) the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the reeve of the town, and
  - (ii) the controller who at such election received the second highest number of votes shall be deemed to be the deputy reeve of the town; and
- (b) in the case of any other local municipality that is entitled to a deputy reeve, the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the deputy reeve of the local municipality; and
- (c) where because of a tie vote it cannot be ascertained which controller received the highest or second highest number of votes or where one or more of the controllers is elected by acclamation, the controller who shall be deemed to be reeve or deputy reeve, as the case may be, shall be determined by resolution of council. R.S.O. 1980, c. 302, s. 68.

**66. Presiding officer to act in absence of head of council.**—During the absence of the head of council or if there is a vacancy in the office, the person appointed



as presiding officer of the council shall act as a member of the board. R.S.O. 1980, c. 302, s. 69.

**67. Quorum, head of council to preside.**—A majority of the members of a board of control is a quorum, and the head of council shall preside at the meetings of the board, and, in his or her absence, the members shall appoint one of their number to preside. R.S.O. 1980, c. 302, s. 70.

**68. (1) Duties of board.**—It is the duty of the board of control,

- (a) **to prepare estimates.**—to prepare estimates of the proposed expenditure of the year and certify them to the council for its consideration;
- (b) **to award contracts.**—to prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material, and supplies, implements, machinery, or other goods or property required and that may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting;
- (c) **to inspect municipal works.**—to inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress;
- (d) **to nominate officers of corporation.**—to nominate to the council all heads of departments and sub-departments in case of a vacancy and, after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks.

(2) **Dismissal of department heads.**—The board of control may dismiss or suspend any head of a department and shall forthwith report such dismissal or suspension to the council.

(3) **Appropriation and expenditure.**—The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition does not extend to the payment of any debenture or other debt or liability of the corporation.

(4) **Head of department to be present when tenders are opened.**—When opening tenders, the board shall require the presence of the head of the department or sub-department with which the subject-matter of them is connected and, when requisite, the presence of the municipal solicitor.

(5) **Discussion as to tenders.**—The head of such department or sub-department may take part in any discussion at the board relating to the tenders.

(6) **Reversal by council of action of board.**—The council shall not without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tender other than one to whom the board has awarded it.

(7) **Appointment of head of department on nomination of board.**—No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause (1)(d), without a two-thirds vote.

(8) **Reinstatement of dismissed head.**—A head of a department who has been dismissed by the board shall not be reappointed or reinstated by the council without a two-thirds vote.

(9) **Controlling appointments and duties.**—In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants and employees not included in clause (1)(d), the board may direct by whom and in what manner they shall be appointed, engaged or employed.

(10) **Submission of by-laws.**—The board may submit proposed by-laws to the council.

(11) **Amalgamation of departments.**—The board, where in its opinion it is desirable, may amalgamate departments or sub-departments.

(12) **Secretary of board.**—The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned by the board or by the mayor or the council.

(13) **Other duties assigned by council.**—The council may by by-law or resolution assign to the board such other duties as the council considers proper.

(14) **Copies of minutes, when to be furnished to council.**—The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession that the council may require.

(15) **Referring matter back for reconsideration.**—The council may refer back to the board any report, nomination, question or matter for reconsideration.

(16) **Recording votes on action of board.**—Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

(17) **Boards to send in estimates.**—The public, secondary and separate school boards, the board of education, the police services board and the public library board and every other board, whose estimates are to be provided for, shall furnish their annual estimates to the board on or before the 1st day of March in each year.

(18) **Certain officers not to be nominated by board.**—Clause (1) (d) does not apply to a member of the fire department, except the head of it, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative.

(19) **Exclusive rights of board.**—Despite this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection (10). R.S.O. 1980, c. 302, s. 71.

**PART VI**  
**OFFICERS OF MUNICIPAL**  
**CORPORATIONS**

**THE HEAD**

**69. (1) Who to be head of council.**—The warden of a county, the mayor of a city or town and the reeve of a village or township is the head of the council and the chief executive officer of the corporation. R.S.O. 1980, c. 302, s. 72(1).

(2) **Acting head.**—When the head of council is absent or refuses to act, or the office is vacant, the council may by resolution appoint one of its members to act in the place of the head of council and while so acting, the member has and may exercise all the rights, powers and authority of the head of council. 1987, c. 10, s. 5.

(3) **Idem.**—The council of any municipality may by by-law appoint a member of the council to act from time to time in the place of the head of the council when the head of the council is absent from the municipality or absent through illness or the office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the council. R.S.O. 1980, c. 302, s. 72(3).

**70. Duties of head of council.**—It is the duty of the head of the council,

- (a) to be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) to oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) to communicate to the council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R.S.O. 1980, c. 302, s. 73.

**71. Substitute for head of council.**—The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member by virtue of office under any general or special Act, except a police services board. R.S.O. 1980, c. 302, s. 75.

**CHIEF ADMINISTRATIVE OFFICER**

**72. Chief administrative officer.**—The council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and
- (b) shall be responsible for the efficient administration of all its departments to the extent that he or she is given authority and control over them by by-law. R.S.O. 1980, c. 302, s. 76.

## CLERK

**73. (1) Appointment of clerk, and his duties.**—The council shall appoint a clerk whose duty it is,

- (a) to truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep the books, records and accounts of the council;
- (d) to preserve and file all accounts acted upon by the council;
- (e) to keep in his or her office or in the place appointed for that purpose the originals of all by-laws and of all minutes of the proceedings of the council;
- (f) to perform such other duties as may be assigned by council.

**(2) Deputy clerk.**—The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

**(3) Acting clerk.**—When the office of clerk is vacant or the clerk is unable to carry on his or her duties through illness or otherwise, the council may appoint a temporary acting clerk who shall have all the powers and duties of the clerk under this and every other Act. R.S.O. 1980, c. 302, s. 77(1-3).

**74. (1) Inspection and copying of minutes, etc.**—Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 73 and the minutes and proceedings of any committee of the council, whether the acts of the committee have been adopted or not, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under the clerk's hand and the seal of the corporation of the municipality, to any applicant on payment at such rate as the council may by by-law establish. 1989, c. 64, s. 4.

**(2) Index of restricted area by-laws, etc.**—The clerk shall keep an index book in which the clerk shall enter the number and date of,

- (a) every subsisting by-law heretofore passed under section 34 of the *Planning Act* or a predecessor of that section;
- (b) every by-law hereafter passed under section 34 of the *Planning Act*; and
- (c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land. R.S.O. 1980, c. 302, s. 78(2).

**75. (1) Transfer of documents to Archivist.**—Despite subsection 73(1), the Archivist of Ontario and a municipal council may agree that any document of the municipality may be transferred to and kept by the Archivist.

**(2) Idem.**—The Archivist of Ontario and a local board, as defined in the *Municipal Affairs Act*, may agree that any document of the local board may be transferred to and kept by the Archivist.

**(3) Copies of certain by-laws to be kept.**—Where a council or local board agrees under subsection (1) or (2) to transfer the original of a by-law that, at the time of the transfer, is still in force or the operation of which is not spent, the clerk shall



obtain and keep, until such time as the by-law is no longer in force or is spent, a photographic copy of the by-law.

(4) **Definition.**—In this section 76, “document” includes originals of by-laws, resolutions, books, records, accounts and papers of any nature. (“document”) 1987, c. 10, s. 7, *part*.

**76. (1) Certified copies of documents receivable in evidence.**—A copy of any document in the possession or under the control of the clerk of a municipality purporting to be certified by the clerk and under the seal of the corporation may be filed and used in any court or tribunal in lieu of the original and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court or tribunal otherwise directs.

(2) **Idem.**—A copy of any document kept by the Archivist under subsection 75(1) or (2) and certified by the Archivist may be filed and used in any court or tribunal in lieu of the original and shall be received in evidence without proof of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court or tribunal otherwise directs. 1987, c. 10, s. 7, *part*.

## TREASURER

**77. (1) Treasurer.**—The council shall appoint a treasurer.

(2) **Deputy treasurer.**—The council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer under this and every other Act.

(3) **Acting treasurer.**—When the office of treasurer is vacant or the treasurer is unable to carry on his or her duties through illness or otherwise, the council may appoint a temporary treasurer who shall have all the powers and duties of the treasurer under this and every other Act. R.S.O. 1980, c. 302, s. 79.

**78. (1) Appointment of temporary county treasurer.**—In case of the death of the treasurer of a county, the warden may, by warrant under his or her hand, appoint for such special purpose as the warden considers necessary a temporary treasurer, who shall hold office until the next meeting of the council, and all acts authorized by the warrant that are performed by him or her are as valid and binding as if performed by a treasurer.

(2) **Security to be given.**—The warden shall, by the warrant, direct that security within the meaning of subsection 92 (2) shall be given by the temporary treasurer for the faithful performance of his or her duties and for duly accounting for and paying over all money that comes into his or her hands, and before entering upon his or her duties the temporary treasurer shall give such security, but shall not interfere with the books, vouchers or accounts of the deceased treasurer until a proper audit of them has been made. R.S.O. 1980, c. 302, s. 80.

**79. (1) To receive and take care of and disburse money, etc.**—The treasurer shall receive and safely keep all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct, and every cheque issued by the treasurer shall

be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council. R.S.O. 1980, c. 302, s. 81(1); 1989, c. 11, s. 1.

(2) **Persons authorized to sign cheques.**—Despite subsection (1),

- (a) the council of a local municipality having a population of less than 5,000 and the council of a county may provide that cheques issued by the treasurer may be signed by the treasurer only; and
- (b) the council of any other municipality may designate one or more persons to sign cheques in lieu of the treasurer.

(3) **Methods of signing cheques.**—The council of any municipality may provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(4) **Petty cash fund.**—The council of a municipality may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1980, c. 302, s. 81(2-4).

(5) **Liability limited.**—The treasurer is not liable for money paid by him or her in accordance with a by-law or resolution of the council, unless another disposition of it is expressly provided for by statute. R.S.O. 1980, c. 302, s. 81(6).

**80. (1) Bank accounts, etc.**—Subject to subsection 79(4), the treasurer shall,

- (a) open an account or accounts in the name of the municipality at such place of deposit as may be approved by the council;
- (b) deposit all money received by him or her on account of the municipality, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the municipality entirely separate from his or her own money and from that of any other person.

(2) **Variance prohibited.**—Despite subsection 79(1), the council shall not by by-law or resolution direct any variance from this section, nor shall the treasurer vary from it. R.S.O. 1980, c. 302, s. 82; 1982, c. 24, s. 4, *revised*.

**81. Half-yearly statement.**—The treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation. R.S.O. 1980, c. 302, s. 83.

**82. (1) Returns to Ministry.**—The treasurer of every municipality shall in each year within the time prescribed by the Ministry make a return to the Ministry on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Ministry may prescribe, and every such return shall be transmitted by registered mail. R.S.O. 1980, c. 302, s. 84(1).

(2) **Offence.**—Every treasurer who contravenes subsection (1) is guilty of an offence. 1982, c. 50, s. 6.

(3) **Statement by Ministry.**—The Ministry shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. R.S.O. 1980, c. 302, s. 84(3).

**83. (1) Publication of financial statements, etc.**—The treasurer of every municipality in every year shall, within the time prescribed by the Ministry after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer,

- (a) a copy of the statement of revenue and expenditure, statement of capital operations, the balance sheet, the notes to the financial statements, the auditor's report, and the mill rate information for the current and previous year as contained in the financial review, or
- (b) a summary of the information referred to in clause (a) in such form as the Ministry may prescribe.

**(2) Inclusion with tax notice.**—Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection (1), include with such notice the copy or summary and the report.

**(3) Publication of information.**—The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers. R.S.O. 1980, c. 302, s. 85.

**84. Provision on dismissal from office.**—Where a treasurer is removed from office or absconds, the council shall forthwith give notice to his or her sureties, and his or her successor may draw any money of the corporation that may have been deposited by the treasurer to his or her credit. R.S.O. 1980, c. 302, s. 86.

## COLLECTORS

**85. (1) Collectors, appointment.**—The council of every local municipality shall appoint as many collectors for the municipality as it considers necessary. R.S.O. 1980, c. 302, s. 87(1).

**(2) Duties.**—The council may assign to a collector the district within which he or she is to act, and may make regulations governing the performance of his or her duties.

**(3) Jurisdiction.**—The same person may be appointed collector for more than one ward or polling subdivision. R.S.O. 1980, c. 302, s. 87(3, 4).

## AUDITORS AND AUDIT

**NOTE:** The following s. 86(1) was amended by 1991, c. 15, s. 3 as s. 88(1).

**86. (1) Appointment of auditors.**—The council of every municipality shall by by-law appoint for a term of five years or less one or more auditors who are licensed under the *Public Accountancy Act*, and every person so appointed shall, in addition to his or her duties in respect of the corporations, audit the accounts and transactions of every local board as defined in the *Municipal Affairs Act*, except school boards established under Part III or Part IV of the *Education Act*, or under Part VI of the *Regional Municipality of Ottawa-Carleton Act*, or under Part VIII of the *Municipality of Metropolitan Toronto Act*.



(2) **Where board is local board of more than one municipality.**—Where a local board is a local board of more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality that is liable for a larger portion of the operating costs of the local board than any other municipality, and, in the event of disagreement as to the proper auditor, the matter may be determined by the Ministry on the application of any municipality of which the local board in question is a local board.

(3) **Cost of audit.**—Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the amount of the cost the Ministry may upon application finally determine the amount thereof.

(4) **Local boards in unorganized territory.**—Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors apply with necessary modifications.

(5) **Provision to avoid duplication of audits.**—Where by any other general or special Act, except Part VIII of the *Education Act*, auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power is not mandatory, despite such Act.

(6) **Disqualification of persons as auditors.**—No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his or her duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his or her professional capacity.

(7) **When auditor does not act.**—If a person appointed auditor for a county refuses or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his or her stead. R.S.O. 1980, c. 302, s. 88; 1991, c. 15, s. 3.

**87. Duties of auditor.**—An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Ministry and shall prepare the material to be published by the treasurer under section 83. R.S.O. 1980, c. 302, s. 89.

**88. (1) Right of access, etc.**—The auditor of a municipality has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his or her opinion may be necessary to carry out such duties as are prescribed by the Ministry.

(2) **Auditor may take evidence on oath.**—The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all



the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies as if the taking of the evidence were an inquiry under that Act.

(3) **Auditor may attend meetings.**—The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he or she attends on any part of the business of the meeting that concerns him or her as auditor. R.S.O. 1980, c. 302, s. 90.

**89. Audit of accounts before payment.**—The council of any municipality may provide that all accounts shall be audited before payment. R.S.O. 1980, c. 302, s. 91.

**90. The council to audit finally, etc.**—The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation, and, where charges are not regulated by law, the council shall allow what is reasonable. R.S.O. 1980, c. 302, s. 92.

**91. Money payable by Province to be retained if returns not made.**—The Treasurer of Ontario may in his or her discretion retain any money payable to a municipal corporation, if it is certified by the Ministry that any officer of the corporation whose duty it is to make returns to the Ministry has not done so. R.S.O. 1980, c. 302, s. 93, *revised*.

**92. (1) Security to be furnished by officers.**—Every treasurer, deputy treasurer and collector and every other officer of the corporation, as the council may require, before entering on the duties of office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money that comes into his or her hands.

(2) **Nature of security.**—The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of the *Guarantee Companies Securities Act* and shall be in such form and on such terms as the Ministry may approve.

(3) **Inspection of surety bonds.**—It is the duty of the council, at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after the appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guarantee contract required under this section.

(4) **Inspection and return as to security.**—The council shall forthwith after the production thereof direct where and with whom the bonds, policies and guarantee contracts given under this section shall be deposited for safe-keeping and where the same shall be available for inspection by the auditor, and the auditor shall in his or her annual report to the Ministry include such information with respect to the same as may be required by the Ministry.

(5) **Premiums.**—The premiums payable in respect of any bond, policy or guarantee contract given under this section is payable by the corporation out of its general funds.

(6) **Notices from Ministry as to surety bonds.**—The Ministry may upon examination of any return made to it for any municipality under this section report to the council with respect to matters arising out of the return, and as to the necessity for other officers and employees furnishing security, and as to the sufficiency of security furnished as disclosed by the return.

(7) **Local boards and authorities.**—This section applies with necessary modifications to the treasurer and every other officer as the board may require of a local board as defined in the *Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board. R.S.O. 1980, c. 302, s. 94.

**93. Publication of statements of revenues and expenditures.**—The council of any municipality may, prior to the day fixed for holding nominations, publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Ministry. R.S.O. 1980, c. 302, s. 95.

#### DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS

**94. (1) Declaration of office of members of council, etc.**—Every member of a council, trustee of a police village and public utility commissioner, before entering on the duties of office, shall make and subscribe a declaration of office (Form 3) and an oath of allegiance (Form 1).

(2) **Municipal officers.**—Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of office, shall make and subscribe a declaration of office (Form 4), but every such person appointed to two or more municipal offices may make one declaration of office as to all of them.

(3) **Auditor's declaration.**—Every auditor, before entering upon his or her duties, shall make and subscribe a declaration (Form 5).

(4) **Filing of declaration.**—Except where otherwise provided, the person by whom the oath or declaration is made shall file it in the office of the clerk within eight days after it is made. R.S.O. 1980, c. 302, s. 96.

**95. (1) Declaration of office.**—Every qualified person elected to any municipal office shall take the declaration of office, where he or she is elected to fill a vacancy, within ten days after his or her election, and in other cases on or before the day fixed for holding the first meeting of the body to which he or she was elected, and in default he or she shall be deemed to have resigned.

(2) **Extension of time.**—Despite subsection (1), a municipal council or other body to which a person is elected may, for such reasons as it considers appropriate, extend by thirty days the times referred to in subsection (1). R.S.O. 1980, c. 302, s. 97.

## SALARIES, TENURE OF OFFICE AND GRATUITIES

**96. (1) Salaries of officers.**—When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it.

**(2) Remuneration of clerk for certain services.**—The council shall give to the clerk for services and duties performed by him or her under the *Drainage Act* a fair and reasonable remuneration to be fixed by the council.

**(3) Fees for copies of awards, etc.**—The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk, other than such as it is his or her duty to perform under that Act.

**(4) Remuneration not to be settled by tender.**—Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration. R.S.O. 1980, c. 302, s. 98(1-4).

**(5) Costs in legal proceedings.**—Despite any other Act, in any proceeding to which a municipality or local board, as defined in the *Municipal Affairs Act*, is a party, costs adjudged to the municipality or local board shall not be disallowed or reduced merely because the solicitor or the counsel who earned the costs, or in respect of whose services the costs are charged, was a salaried officer of the municipality or local board or of a municipality acting on behalf of the local board performing the services in the discharge of the solicitor's or counsel's duty and remunerated therefor by a salary, and for that or any other reason was not entitled to recover any costs from the municipality or local board in respect of the services rendered, and,

- (a) the costs recovered by or on behalf of the municipality shall form part of the general funds of the municipality; and
- (b) the costs recovered by or on behalf of the local board shall form part of the general funds of the local board. 1987, c. 10, s. 9.

**NOTE:** The following s. 97 was repealed by 1991, c. 15 s. 4 as s. 99.

**97.** [*Repealed* 1991, c. 15, s. 4.]

**98. (1) Retirement allowance.**—A council may grant an annual retirement allowance, payable weekly, monthly or otherwise, to an employee, during the employee's life, who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in the *Municipal Affairs Act* or any two or more of them and who,

- (a) is retired because of age; or
- (b) while in the service of any municipality or local board has become incapable of working through illness or otherwise. 1987, c. 10, s. 10(1).

**(2) Allowance to surviving spouse.**—Where a council grants an annual retirement allowance to an employee under subsection (1), the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.



(3) **Idem.**—A council may grant an annual retirement allowance payable weekly, monthly or otherwise to the surviving spouse of an employee who dies while in the employ of the municipality and who would have been eligible for a retirement allowance under this section had the employee retired on the day of his or her death, but the amount of such allowance shall not exceed one-half of the amount of the annual allowance that would otherwise have been payable to the employee and subsection (4) applies with necessary modifications.

(4) **Contributions by municipality or local board.**—Where a council grants an annual retirement allowance to an employee under subsection (1), any municipality or local board of which he or she has been an employee may contribute to such allowance by agreement with the municipality granting the allowance. R.S.O. 1980, c. 302, s. 100(2-4).

(5) **Application of section.**—This section does not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948.

(6) **Definition.**—In this section, “employee” has the same meaning as in paragraph 46 of section 207. (“employé”)

(7) **Repeal of by-law prohibited.**—No by-law passed under this section shall be repealed. R.S.O. 1980, c. 302, s. 100(6-8).

**99. Firefighters.**—The council of every local municipality may pass by-laws for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from inability to perform their duties, and for granting pecuniary aid or other assistance to the surviving spouses and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the municipality as firefighters. R.S.O. 1980, c. 302, s. 101; 1986, c. 64, s. 37(4).

#### INVESTIGATION OF CHARGES OF MALFEASANCE, ETC., OR JUDICIAL INQUIRY IN RELATION TO MUNICIPAL MATTERS

**100. (1) Investigation by judge of charges of malfeasance.**—Where the council of a municipality passes a resolution requesting a judge of the Ontario Court (General Division) to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the council, or an officer or employee of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation as if it were an inquiry under that Act, and the judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken. R.S.O. 1980, c. 302, s. 102(1); 1989, c. 56, s. 29.



(2) **Engaging counsel.**—The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(3) **Idem.**—The judge may engage counsel and such other assistants and employees and incur such incidental expenses as he or she considers advisable for the proper conduct of the investigation or inquiry, and the municipality shall pay the costs thereof. R.S.O. 1980, c. 302, s. 102(3, 4).

## PART VII GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES

**101. (1) Jurisdiction of councils.**—Except where otherwise provided, the jurisdiction of every council is confined to the municipality that it represents and its powers shall be exercised by by-law.

(2) **By-law not to be quashed because unreasonable.**—A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. R.S.O. 1980, c. 302, s. 103.

**102. General power to make regulations.**—Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members and the calling of meetings. R.S.O. 1980, c. 302, s. 104.

**103. (1) English and French by-laws and resolutions.**—Every council may pass its by-laws and resolutions in English or in both English and French.

(2) **Official plans.**—Every council may adopt an official plan that is in English or that is in both English and French.

(3) **Proceedings of council.**—Every council and every committee of council may conduct its proceedings in English or French or in both English and French.

(4) **Minutes.**—Despite subsection (3), the minutes of the proceedings of council and all committees of council shall be kept in English or, where so authorized by a by-law of the council, in both English and French.

(5) **Conduct of affairs, etc., of municipality.**—Unless otherwise directed by a by-law of the council, the officers and employees of a municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.

(6) **Proviso.**—Nothing in this section,

- (a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;
- (b) affects any requirement at law to give reasonable notice.

(7) **Translations.**—Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the minister of the ministry to which the form, book, document or other paper was submitted, supply the minister with an English translation thereof. 1982, c. 50, s. 7.

**104. (1) Municipal Code.**—Where the council of any municipality passes a comprehensive general by-law dealing with all or any of such matters within its jurisdiction as the council considers desirable to include therein and such by-law consolidates and includes therein the provisions of any by-law previously passed by the council,

- (a) the provisions in the comprehensive general by-law shall be deemed to have come into force on the day the original by-law came into force; and
- (b) any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the comprehensive general by-law. R.S.O. 1980, c. 302, s. 105, *revised*.

(2) **Name.**—A by-law passed under subsection (1) may be known in English as The (name of municipality) Municipal Code, and may also be known in French as Code municipal de (name of municipality). *New*.

**105. (1) Hearings by committee authorized.**—Where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act, passing a by-law, or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place of the council, and, where a hearing is conducted or an opportunity to be heard is afforded by a committee under such a by-law in respect of any matter, the council may do the act, pass the by-law, or make the decision in respect of which the hearing was held or the opportunity for a hearing afforded without being required to hold a hearing or afford an opportunity for a hearing in respect of such matter.

(2) **Report by committee.**—Upon the conclusion of a hearing conducted by a committee under a by-law passed under subsection (1), the committee shall as soon as practicable make a written report to the council summarizing the evidence and arguments presented by the parties, the findings of fact made by the committee and the recommendations, if any, of the committee with reasons therefor on the merits of the application in respect of which the hearing has been conducted.

(3) **Authority of council.**—After considering the report of the committee, the council may thereupon in respect of such application do any act, pass any by-law

or make any decision that it might have done, passed or made had it conducted the hearing itself.

(4) **Application of *Statutory Powers Procedure Act*.**—Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act*, sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* apply to the committee and to the hearing conducted by it but those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter. R.S.O. 1980, c. 302, s. 106.

**106. Council a continuing body.**—Proceedings begun by one council may be continued and completed by a succeeding council. R.S.O. 1980, c. 302, s. 107.

**107. (1) Certain acts not to be done by councils after polling day.**—The council of a local municipality shall not, after the day the poll is held for the election of the new council, or, where all members of council are elected by acclamation, after the day the candidates are declared elected under section 43 of the *Municipal Elections Act*,

- (a) pass any by-law, except a by-law with respect to an undertaking, work, project, scheme, act, matter or thing that has been approved by the Municipal Board, or resolution for, or that involves, directly or indirectly, the payment of money other than that provided in the estimates for the current year;
- (b) enter into any contract or obligation on the part of the corporation;
- (c) appoint to or dismiss from office any officer under the control of the council; or
- (d) do any other corporate act, except in case of extreme urgency, or unless the act is one that the council is required by law to do or is one that the council is authorized to do by a resolution or by-law passed before the day the poll is held or the day the members of council are declared elected under section 43 of the *Municipal Elections Act*. R.S.O. 1980, c. 302, s. 108(1), *revised*.

(2) **Application of subs. (1).**—Subsection (1) does not apply if the new council that will take office after the poll or acclamation will be composed of not less than three-quarters of the members of the council as composed at the time of the poll or acclamation. R.S.O. 1980, c. 302, s. 108(2).

**108. (1) Fiscal year.**—Subject to subsection (2), but despite any other provision of this Act or any general or special Act, the fiscal year of every municipality and local board, as defined in the *Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December and the accounts referred to in section 90 are those of the next preceding fiscal year.

(2) **Fiscal year for municipal public hospitals.**—The fiscal year of every public hospital owned by the corporation of a municipality shall be the fiscal year of a public hospital as prescribed under the *Public Hospitals Act*.

(3) **Annual statement or report.**—Despite this or any general or special Act where an estimate of expenditures, revenue or capital or an annual statement or report, including a report of an auditor, in respect of a public hospital mentioned in subsection



(2) is required to be prepared by any special Act, such estimate, statement or report shall be prepared in respect of the fiscal year as prescribed under the *Public Hospitals Act* and not in respect of the calendar year and the date upon or prior to which such an estimate shall be prepared and certified for the consideration of a board of control or a council of a municipality shall be the 1st day of March in each year, or such other date as the council may by by-law provide, and the date upon or prior to which such annual report or statement shall be prepared and submitted to a board of control or a council of a municipality shall be the 15th day of May or such other date as the council may by by-law provide.

(4) **Application of s. 162(1).**—Despite this or any general or special Act, where the council of a municipality has considered the estimates of a public hospital referred to in subsection (3) and has determined the sum to be levied by it for the purposes of such hospital for the fiscal year of the hospital, that sum shall be deemed to be the sum required by law to be provided by the council for the hospital for purposes of subsection 162(1). R.S.O. 1980, c. 302, s. 109.

**109. (1) Power to license includes power to prohibit.**—The power to license any trade, calling, business or occupation or the person carrying on or engaged in it includes the power to prohibit the carrying on of or the engaging in it without a licence.

(2) **Power re: licensing, regulating.**—The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such places or things are used and the persons carrying on or engaged in them. R.S.O. 1980, c. 302, s. 110(1, 2).

(3) **Power to regulate trades, etc., includes power to regulate hours of operation.**—Subject to sections 216 and 217 the power to regulate a trade, calling, business or occupation or a person carrying on or engaged in a trade, calling, business or occupation and the power to regulate places or things includes the power to regulate the hours of operation of such trade, calling, business, occupation, places or things but nothing in this subsection confers the power to regulate the hours of operation of a shop as defined in subsection 214(1). R.S.O. 1980, c. 302, s. 110(3), *revised*.

(4) **Who to fix amount of licence fee.**— Except where the power of fixing the fee to be paid for the licence is expressly conferred on a police services board, the council of the municipality, where by this or any other Act the council or the board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, may, subject to the limitations in the Act, fix the fee to be paid for the licence and the time for which it shall be in force and may provide for enforcing payment of the licence fee.

(5) **Licence fee may be a tax.**—The licence fee may be in the nature of a tax for the privilege conferred by it.

(6) **Discretion as to granting or refusing a licence.**—Subject to the *Theatres Act*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a police services board by this or any other Act, is in its discretion, and it is not bound to give any reason for refusing or revoking a licence and its action is not open to question or review by any court.



(7) **Certain licences not to be refused by reason only of location of business affected.**—Despite subsection (6), a police services board or a council shall not refuse to grant a licence with respect to the carrying on of any business by reason only of the location of such business where such business was being carried on at such location at the time of the coming into force of the by-law requiring such licence.

(8) **Refund when licence revoked.**—Where a licence is revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

(9) **Suspension of licences.**—Where, under this or any other Act, a police services board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, and for revoking such licences, the board may by by-law authorize the chief of police of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

(10) **Idem.**—No suspension of a licence by a chief of police is effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first.

(11) **Appeal from revocation of licence.**—Despite subsection (6), the decision of a police services board in refusing or revoking a licence is subject to an appeal therefrom in accordance with the rules of court to the Divisional Court, whose decision is final. R.S.O. 1980, c. 302, s. 110(4-11).

**110. (1) Granting monopolies prohibited.**—Subject to section 119, and to section 6 of the *Ferries Act* and to section 100 of the *Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

(2) **Limiting number of pool and billiard tables and licences.**—This section does not prevent the council under the powers conferred by paragraph 1 of section 236 from limiting the number of licences and the number of tables to such number as the council considers fit even if the number is limited to one. R.S.O. 1980, c. 302, s. 111.

**111. (1) Assistance prohibited.**—Despite any general or special Act, a council shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses in aid thereof, and, without restricting the generality of the foregoing, the council shall not grant assistance by,

- (a) giving or lending any property of the municipality, including money;
- (b) guaranteeing borrowing;
- (c) leasing or selling any property of the municipality at below fair market value;
- (d) giving a total or partial exemption from any levy, charge or fee.

(2) **Exception.**—Subsection (1) does not apply to a council that is exercising any of its power or authority under subsection 28(6) or (7) of the *Planning Act*, where

the power or authority is exercised with the approval of the Minister. 1986, c. 24, s. 1, *part*.

**112. (1) Small business counselling.**—Despite section 111, the council of a municipality may provide for the establishment of a counselling service to small businesses operating or proposing to operate in the municipality.

**(2) Small business programs.**—The council of a municipality,

- (a) with the approval of the Lieutenant Governor in Council, may establish and maintain one or more programs to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality; and
- (b) may participate in programs established and administered by the Ministry of Industry, Trade and Technology to encourage the establishment and initial growth of small businesses, or any class thereof, in the municipality.

**(3) Idem.**—The council of a municipality may enter agreements with the Minister of Industry, Trade and Technology with respect to the financing and operation of programs referred to in subsection (2).

**(4) Acquisition and leasing of land, etc.**—For the purposes of a program referred to in subsection (2), the council of the municipality, subject to the regulations and the terms and conditions of any agreement under subsection (3),

- (a) may acquire land and erect and improve buildings and structures for the purpose of providing leased premises for eligible small businesses or that will be leased to a corporation described in clause (d);
- (b) may make grants to corporations described in clause (d) despite section 111;
- (c) may enter into leases of real property with small businesses included in a program referred to in subsection (2);
- (d) may enter into leases of real property and other agreements related to the establishment and operation of the program with a corporation without share capital established for the purposes of encouraging the establishment and initial growth of small businesses, or any class thereof, in the municipality;
- (e) may sell, lease or otherwise dispose of any of the personal property of the municipality to any eligible small business or to a corporation described in clause (d) or may provide for the use thereof by any such small business or corporation;
- (f) may provide for the use of the services of any of the employees of the municipality by any eligible small business or by a corporation described in clause (d);
- (g) may establish a local board to administer a program established under clause (2)(a) or to administer the municipality's participation in a program referred to in clause (2)(b);
- (h) may appoint one or more of the directors of a corporation described in clause (d); and
- (i) may apply, under the *Corporations Act*, for letters patent incorporating a corporation described in clause (d) having such objects and powers as may be approved by the Minister. 1986, c. 24, s. 1, *part*.

**(5) Grant includes loans.**—The power to make grants under clause (4)(b) includes the power to make loans, to charge interest on the loans and to guarantee loans.

(6) **Guarantee deemed to be debt.**—A guarantee of loan made under this section shall be deemed to be a debt for the purposes of section 147 and, where the term of the loan in respect of which the guarantee is made extends beyond the current year, the guarantee shall be deemed to be an act to which section 65 of the *Ontario Municipal Board Act* applies. 1989, c. 11, s. 2.

(7) **Idem.**—Where a corporation described in clause (4) (d) leases any building or structure from a municipality, it shall use the building or structure for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2).

(8) **Availability of assistance.**—Despite section 111,

- (a) a lease of real property under clause (4)(c) or (d) or subsection (7);
- (b) a sale, lease or other disposition of personal property under clause (4)(e); or
- (c) the use of personal property or the services of employees of a municipality pursuant to clauses (4)(e) and (f),

may be made or provided for at less than fair market value but this subsection ceases to apply to an eligible small business at the end of thirty-six months following the day it first occupies premises leased to it under this section.

(9) **Local board.**—The following provisions apply to a local board established under clause (4)(g):

1. The local board is a body corporate and shall consist of such number of members as the council of the municipality may determine.
2. A person is disqualified from being a member of the local board unless the person is qualified to be elected as a member of the council of the municipality.
3. Members shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.
4. Upon the coming into force of the by-law establishing the local board, all the powers, rights, authorities and privileges conferred and the duties imposed on the council of the municipality by subsections (1) and (2), clauses (4)(a) to (f) and the regulations and any agreement under subsection (3) shall be exercised by the local board but subject to such limitations as the by-law may provide.
5. The local board shall submit to the council of the municipality its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the local board and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the local board, pay out such money.
6. On or before the 1st day of March in each year, the local board shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.



7. The municipal auditor shall be the auditor of the local board and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
8. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of land or construction of buildings shall not be transferred to the local board.
9. Upon the repeal of the by-law establishing the local board, the local board ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

- (10) **Regulations.**—The Lieutenant Governor in Council may make regulations,  
(a) prescribing maximum amounts that may be expended by municipalities or any particular municipality under a program referred to in subsection (2);  
(b) defining “small business” for the purposes of this section.

- (11) **Definitions.**—In this section,

“eligible small business” means a small business included in a program referred to in subsection (2) that is in occupation of premises leased to it under this section;  
 (“petite entreprise admissible”)

“municipality” includes a metropolitan, regional and district municipality and the County of Oxford. (“municipalité”) 1986, c. 24, s. 1, *part.*

**113. (1) General power to make grants.**—Despite any special provision in this Act or in any other general or special Act related to the making of grants or granting of aid by the council of a municipality, the council of every municipality may, subject to section 111, make grants, on such terms and conditions as to security and otherwise as the council may consider expedient, to any person, institution, association, group or body of any kind, including a fud, within or outside the boundaries of the municipality for any purpose that, in the opinion of the council, is in the interests of the municipality.

- (2) **Loans, guarantees, etc.**—The power to make a grant includes,  
(a) the power to guarantee a loan and to make a grant by way of loan and to charge interest on the loan;  
(b) the power to sell or lease land for nominal consideration or to make a grant of land, where the land being sold, leased or granted is owned by the municipality but is no longer required for its purposes, and includes the power to provide for the use by any person of land owned or occupied by the municipality upon such terms and conditions as may be fixed by the council;  
(c) the power to sell, lease or otherwise dispose of, at a nominal price, or to make a grant of, any furniture, equipment, machinery, vehicles or other personal property of the municipality or to provide for the use thereof by any person on such conditions as may be fixed by the council; and  
(d) the power to make donations of foodstuffs and merchandise purchased by the municipality for such purpose.

(3) **Application.**—A guarantee of loan made under this section shall be deemed to be a debt for the purposes of section 147 and, where the term of the loan in respect of which such guarantee is made may extend beyond the current year, such guarantee



shall be deemed to be an act, the cost of which is to be raised in a subsequent year and shall be subject to section 65 of the *Ontario Municipal Board Act*.

(4) **Definitions.**—In this section,

“land” includes a building or structure or a part thereof; (“bien-fonds”)

“person” includes a municipality as defined in the *Municipal Affairs Act* and includes a metropolitan, regional and district municipality and the County of Oxford. (“personne”) R.S.O. 1980, c. 302, s. 113.

**114. Awards and competitions.**—The council of every municipality may provide for,

- (a) offering awards and gifts to persons whose actions or achievements are, in the opinion of council, worthy of note; and
- (b) establishing competitions and awarding prizes therefor. R.S.O. 1980, c. 302, s. 114.

**115. (1) Fellowships, etc.**—The council of every municipality may pass by-laws for providing fellowships, scholarships and other similar prizes and for paying all or part of the costs incurred or to be incurred by any person, including an officer or employee of the municipality, as a result of his or her attendance at an educational institution or enrolment elsewhere in any program or course of instruction, training or education.

(2) **Definition.**—In this section, “costs” includes tuition fees, costs of books and other materials used in connection with a course or program, and costs of food, travel and accommodation. (“frais”) R.S.O. 1980, c. 302, s. 115.

**116. (1) Destruction of documents.**—Subject to subsection (2), a municipality or a local board thereof, as defined in the *Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except,

- (a) after having obtained the approval of the Ministry; or
- (b) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board.

(2) **When copies may be destroyed.**—Where a by-law has been passed by a municipality under clause (1)(b), copies of its receipts, vouchers, instruments, rolls or other documents, records and papers may be destroyed at any time if the original thereof is subject to a retention period within one of the schedules established by the by-law.

(3) **Local boards of more than one municipality.**—Where a local board is a local board of more than one municipality, the local board may destroy its receipts, vouchers, instruments, rolls or other documents, records and papers,

- (a) after having obtained the approval of the Ministry; or
- (b) in accordance with a resolution passed by the board and approved by a majority of the municipalities for which the board is a local board if such majority of municipalities is represented by at least one-half of the municipally

appointed members on the local board and also if the resolution has been approved by the auditor of the local board.

(4) **Retention schedules.**—A resolution passed under subsection (3) shall establish schedules of retention periods during which the receipts, vouchers, instruments, rolls and other documents, records and papers must be kept by the local board.

(5) **Interpretation.**—For the purposes of subsection (3), a member of a municipal council who serves pursuant to this or any other Act as a member by virtue of office of a local board shall be deemed to be a municipally appointed member of that local board. R.S.O. 1980, c. 302, s. 116.

(6) **Photographic copies.**—Despite this section, a by-law or resolution passed under this section may provide that a photographic copy of a receipt, voucher, instrument, roll or other document, record or paper shall be deemed to be the original thereof for the purposes of the by-law or resolution if the original has been destroyed in accordance with this section or the by-law or resolution.

(7) **Admissibility.**—Nothing in this section renders admissible in evidence a copy of a receipt, voucher, instrument, roll or other document, record or paper that is not otherwise admissible by statute or the law of evidence. 1989, c. 84, s. 1.

**117. (1) Definitions.**—In this section,

“approved pension plan” means a pension, superannuation or benefit fund or plan to which a municipality or local board makes contribution under any general or special Act, except the *Public Service Pension Act*, the *Teachers’ Pension Act* and the *Ontario Municipal Employees Retirement System Act*; (“régime de retraite approuvé”)

“employee” means an employee as defined in paragraph 46 of section 207; (“employé”)

“local board” means a local board as defined in paragraph 46 of section 207; (“conseil local”)

“optional service” means,

- (a) service with any municipality or local board in Canada,
- (b) service with the civil service of Canada or of any province of Canada,
- (c) service as an employee of any board, commission or public institution established under any Act of Canada or any province of Canada, or
- (d) war service; (“service optionnel”)

“service” means employment of an employee by a municipality or local board and may include optional service; (“service”)

“war service” means active service during World War II or the Korean War,

- (a) in His or Her Majesty’s naval, army or air forces or in the Canadian or British Merchant Marine, or
- (b) in any naval, army or air force that was allied with His or Her Majesty’s forces and that is designated by the Lieutenant Governor in Council, providing satisfactory proof of such service is produced; (“service de guerre”)

“year’s maximum pensionable earnings” means the Year’s Maximum Pensionable Earnings as defined in the *Canada Pension Plan*. (“maximum des gains annuels ouvrant droit à pension”)

(2) **Termination of approved pension plan.**—A municipality or local board that makes contribution to an approved pension plan may discontinue contributions to or terminate the provisions of such plan or may transfer the assets thereof to another such plan or to the Ontario Municipal Employees Retirement Fund. R.S.O. 1980, c. 302, s. 117(1, 2).

(3) **Maximum pension benefit.**—Despite any general or special Act, a municipality or local board shall not make a contribution for the provision of a pension with respect to an employee under an approved pension plan or under the *Ontario Municipal Employees Retirement System Act* that is in excess of an annual amount of 2 per cent of the employee's average annual earnings during the sixty consecutive months during which his or her earnings as an employee were highest multiplied by the number of years of his or her service up to thirty-five years and reduced in any year in which he or she is entitled to a pension under the *Canada Pension Plan* by 0.7 per cent of the lesser of such average annual earnings or the average of the year's maximum pensionable earnings for the year in which he or she ceases to be employed by the municipality or local board and for each of the two preceding years multiplied by the number of years of his or her service after the 1st day of January, 1966 up to thirty-five years. R.S.O. 1980, c. 302, s. 117(3), *part*.

(4) **Exception.**—Subsection (3) does not apply so as to reduce any benefit provided under the terms and conditions of an approved pension plan in force on the 31st day of December, 1965, and does not apply where the employee retires having less than ten years of service. R.S.O. 1980, c. 302, s. 117(3), *part*.

(5) **Transfer from approved pension plan.**—Despite any general or special Act, where an employee on or after the 1st day of March, 1948,

- (a) has been contributing to an approved pension plan;
- (b) terminates his or her employment with the municipality or local board; and
- (c) without intervening employment becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he or she is entitled, in lieu of a refund of his or her contributions to the approved pension plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under such plan in respect of his or her employment with the municipality or local board to the date of such termination as if he or she had continued in such employment until his or her death or retirement age. R.S.O. 1980, c. 302, s. 117(4), *part*.

(6) **Idem.**—If subsection (5) applies, the municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

- (a) the contributions made by the employee under the approved pension plan, plus any interest thereon; or
- (b) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension benefits and any other benefits under the approved pension plan to which the employee is entitled as provided in this subsection,



to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, if such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made. R.S.O. 1980, c. 302, s. 117(4), *part*.

(7) **Transfer to approved pension plan.**—Despite any general or special Act, where a member of,

- (a) the civil service of Ontario or Canada;
- (b) the civic service of any other municipality or local board; or
- (c) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948 becomes an employee of a municipality or local board that makes contributions to an approved pension plan and there is a sum of money at the credit of the member in a superannuation or pension fund or plan maintained for members of such civil or civic service, the municipality may accept the transfer of such sum of money and apply it for the benefit of the employee in accordance with the terms of the approved pension plan.

(8) **Restriction upon refund.**—Where a sum of money is transferred in accordance with subsection (6) or (7) to a fund or plan and the employee or member is entitled to a refund under such fund or plan, only that portion of the sum so transferred that is attributable to contributions made by the employee or member, as determined by the employer responsible for the administration of the fund or plan from which the sum is transferred, may be refunded to the employee or member, and the remainder shall be credited to the fund or plan to which the sum is transferred. R.S.O. 1980, c. 302, s. 117(5, 6).

(9) **Approval not required.**—Despite any special Act, the approval of the Minister or Ministry is not required to amend any by-law of a municipality related to an approved pension plan. 1987, c. 10, s. 11.

**118. Special rates re exempt lands in defined areas.**—Where, after the 1st day of June, 1965, a by-law under paragraph 58 of section 210 or section 221 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in the *Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. R.S.O. 1980, c. 302, s. 118.

**119. Exclusive right to maintain waste-paper boxes on streets.**—The council of a city may grant to any person, upon such terms and conditions as may be considered expedient, the exclusive right to place and maintain, for any period not exceeding ten years, waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

(2) **Location of boxes.**—The location of the boxes is subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and the collections therein removed to the satisfaction of the city engineer and as often as he or she may direct.

(3) **Power to control and collect fees.**—The council may,



- (a) regulate and control the type of construction of such boxes and from time to time vary and change the locations thereof;
- (b) allow the placing of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon;
- (c) fix and collect an annual fee from the owner thereof for the privilege granted;
- (d) keep such boxes clean and undertake the removal of the waste deposited therein. R.S.O. 1980, c. 302, s. 119.

**120. Joint works and undertakings.**—The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council. R.S.O. 1980, c. 302, s. 121.

**121. (1) Definition.**—In this section, “Crown” means Her Majesty the Queen in right of Ontario and includes any agency, board or commission thereof. (“Couronne”) R.S.O. 1980, c. 302, s. 122(1).

**(2) Agreements with Crown.**—A municipality and the Crown may enter into and perform agreements on such terms and conditions as may be set out in the agreement,

- (a) for the use of any of the property of the municipality or of the Crown;
- (b) for the use of the services of any of the officers or employees of the municipality or of the Crown;
- (c) for the supply of any service under the jurisdiction of the municipality;
- (d) for jointly acquiring property. R.S.O. 1980, c. 302, s. 122(2), *revised*.

**(3) Jurisdiction.**—For the purposes of carrying out agreements entered into under this section, the territorial jurisdiction of the council of a municipality is not confined to the municipality that it represents. R.S.O. 1980, c. 302, s. 122(3).

**122. Borrowing powers.**—Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor. R.S.O. 1980, c. 302, s. 123.

**123. (1) Definitions.**—In this section,  
“municipality” includes a regional and district municipality and the County of Oxford, but does not include an area municipality within the meaning of any Act establishing a metropolitan, regional or district municipality or of the *County of Oxford Act*; (“municipalité”)  
“school board” means a “board” as defined in subsection 1 (1) of the *Education Act*. (“conseil scolaire”)

**(2) School boards may apply for issue and sale of debentures.**—Where a school board exercises jurisdiction in all or part of a municipality, the school board may apply to the council of the municipality for the issue and sale of debentures on the credit of the municipal corporation for raising such sums as may be required by the school board for permanent improvements, as defined in subsection 1(1) of the *Education Act*.

(3) **Contents of application.**—An application under subsection (2) shall state the purpose of the proposed borrowing and the nature and the estimated costs of the proposed improvements.

(4) **Duties of council.**—The council at its first meeting after receiving an application under subsection (2), or as soon as possible thereafter, shall consider and approve or disapprove the application.

(5) **Approval by O.M.B.**—If the council approves the application under subsection (4), the school board shall apply to the Municipal Board for its approval under section 65 of the *Ontario Municipal Board Act* and, if the Municipal Board approves, the council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipal corporation for the purposes stated in the application.

(6) **Application of other Acts.**—The provisions of any Act that apply to the council of a municipality in respect of its powers to raise money for municipal purposes by the issue and sale of debentures, including any obligation or prohibition imposed in connection therewith, apply with necessary modifications to the council of the municipality where it is passing a by-law for the raising of money by the issue and sale of debentures under this section.

(7) **Borrowing pending issue and sale of debentures.**—When the Municipal Board has authorized the borrowing of money and the issue of debentures by the municipality for the purposes of a school board, the council of the municipality or the school board pending the issue and sale of the debentures may, and the council of the municipality on the request of the school board shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the council of the municipality may, or on the request of the school board shall, pending the sale of such debentures or in lieu of selling them, authorize the chair and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the school board.

(8) **Interest on temporary borrowing.**—Where the council of a municipality has raised money for a school board under this section by temporary financing pending the sale of debentures, it shall charge the cost of the borrowing to the school board for the period before the sale for which the money is borrowed or for a period of one year, whichever is less.

(9) **Application of proceeds of loan.**—The proceeds of every advance or loan under subsection (7) shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and the balance shall be transferred to the school board.

(10) **Notice of principal and interest.**—Where the council of a municipality has passed a by-law under this section for issuing debentures, the treasurer of the municipality shall notify the treasurer of the school board in writing before the 1st day of January in each year of the amount of the principal and interest, including any amount required to be raised for a sinking fund or retirement fund, due and payable in that year in respect of the debentures so issued, and the dates on which the payments of such amounts become due.

(11) **Amounts to be included in estimates of school board.**—The amount that the treasurer of the school board receives notice of under subsection (10) shall be included in the estimates of the school board for that year, and the treasurer of the school board shall pay that amount to the treasurer of the municipality on or before the due dates of payment as specified in the notice and such amount may be recovered as a debt due by the school board to the municipality. R.S.O. 1980, c. 302, s. 124(1-11).

(12) **Joint and several liability.**—All debentures issued under the authority of this section are direct, joint and several obligations of the municipality and the school board, and, in the case of debentures issued by a regional or district municipality or the County of Oxford, are direct, joint and several obligations of that municipality, the school board and the area municipalities as defined in the Act establishing that municipality, but nothing in this subsection affects the rights of that municipality, the school board and such area municipalities as among themselves.

(13) **Ranking of debentures.**—Despite any general or special Act or any differences in date of issue or maturity, every debenture issued by a municipality under the authority of this section shall rank concurrently and proportionately in respect of payment of principal and interest thereon with all other debentures of the municipality, except as to the availability of any sinking funds applicable to any particular issue of debentures. 1982, c. 50, s. 8(1).

(14) **Default.**—A by-law under subsection (5) shall,

- (a) in the case of a by-law of a regional or district municipality or of the County of Oxford, provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection (11);
- (b) in the case of a by-law of a county, provide for raising in each year by inclusion with the amounts required for county purposes apportioned under section 366, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection (11); and
- (c) in the case of a by-law of a local municipality, provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection (11).

(15) **Recovery of costs.**—The expenses of the municipality in preparing, printing and publishing any by-laws or debentures under this section, and all other expenses incident thereto, may be charged to the school board. R.S.O. 1980, c. 302, s. 124(13, 14).

**124. (1) Debentures for joint undertakings.**—Where, under this or any other general Act, two or more municipalities are authorized or required jointly to provide money for any purpose, and it is necessary to raise such money by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise



the whole amount required by the issue of its debentures, or to raise its portion of the money and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

(2) **Annual rates.**—Where, under an order of the Municipal Board under subsection (1), any municipality issues debentures for the portion of the money required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the money required to be raised bears to the total amount of the debenture issue.

(3) **Payment to municipality issuing debentures.**—The sum to be raised annually by such other municipality to pay its share of any principal or interest falling due in any year upon any such debentures shall be paid to the treasurer of the municipality that issued the debentures before the day such principal or interest becomes due.

(4) **Consent required.**—No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide money required to be raised by another municipality.

(5) **Limited application of section.**—This section does not apply where the Act under which the money is authorized or required to be raised contains provisions similar in effect to the provisions of this section. R.S.O. 1980, c. 302, s. 125.

**125. (1) Definition.**—In this section “municipality” means a town, not being a separated town, a village, or a township in a county. (“municipalité”)

(2) **Request to county to issue debentures.**—Where, under this or any other general Act, a municipality is authorized or required to provide money for any purposes, and it is necessary to raise such money by the issue of debentures, the council of the municipality may by resolution request the council of the county in which it is situate to raise such money by the issue of debentures of the county. R.S.O. 1980, c. 302, s. 126(1, 2).

(3) **County may issue debentures.**—The council of the county shall consider the request at its next meeting following the receipt thereof, and if it approves the request, the council of the county may issue the debentures. R.S.O. 1980, c. 302, s. 126(3); 1987, c. 10, s. 13.

(4) **Proceeds.**—Where, under subsection (3), a county has raised money for the purposes of a municipality by the issue and sale of debentures, by the hypothecation of debentures, or by temporary borrowings pending the issue and sale of debentures, the county shall pay over such money to the municipality from time to time as the municipality requires.

(5) **Special rate.**—Where, under subsection (3), a county issues debentures, the council of the municipality on whose behalf the debentures are issued shall provide and raise by a special rate on all the rateable property in the municipality, in each year of the currency of the debentures, a sum sufficient to pay the principal and interest falling due in such year upon such debentures, and such sum shall be paid



to the treasurer of the county that issued the debentures before the day such principal or interest becomes due. R.S.O. 1980, c. 302, s. 126(4, 5).

**126. Acquisition of property during emergency.**—Where there is a declaration of emergency under subsection 17(1), 28(1) or 38(1) of the *Emergencies Act* (Canada), the meetings of any municipal council may be held at any convenient location within or outside the municipality, and the council of a municipality may acquire and hold such land at such locations and erect such buildings thereon as may be convenient for such purpose and for any other purpose of the municipality. R.S.O. 1980, c. 302, s. 128, *revised*.

#### AUTHENTICATION OF BY-LAWS

**127. (1) How by-laws to be authenticated.**—Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council or by the presiding officer at the meeting at which the by-law was passed and by the clerk.

(2) **Proof of seal or signature not required.**—Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all courts without proof of the seal or signature.

(3) **Omission to affix seal.**—Where, by oversight, the seal of the corporation has not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law is as valid and effectual as if it had been originally sealed.

(4) **Certified copy of by-law.**—A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all courts without proof of the seal or signature. R.S.O. 1980, c. 302, s. 129.

#### CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW

**128. (1) Certificate of clerk that application for by-law duly signed.**—Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk has certified that the application was sufficiently signed.

(2) **Powers of clerk.**—For the purposes of this section, the clerk has all the powers of the clerk under section 15 of the *Local Improvement Act*.

(3) **Certificate to be conclusive.**—The certificate of the clerk is conclusive that the application was sufficiently signed. R.S.O. 1980, c. 302, s. 130.

#### PART VIII VOTING ON BY-LAWS

**129. Definitions.**—In this Part,  
“by-law” includes a resolution and a question upon which the opinion of the electors is to be obtained; (“règlement municipal”)

“electors” means the persons entitled to vote on the by-law; (“électeurs”)

“proposed by-law” means a by-law submitted for the assent of the electors. (“règlement municipal proposé”) R.S.O. 1980, c. 302, s. 131, *revised*.

**130. (1) Publication of by-law that requires the assent of the electors.**—Where a by-law requires the assent of the electors or a question is submitted to obtain the opinion of the electors, a copy of the proposed by-law or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of two weeks after the result of the voting on the by-law has been declared. R.S.O. 1980, c. 302, s. 132(1).

(2) **Synopsis.**—Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it. 1987, c. 10, s. 15.

(3) **Time of publication.**—The first publication of a proposed by-law or of a synopsis thereof or of a proposed question under subsection (1) or (2) shall be made not later than one month before the election at which the by-law or question is to be submitted for the assent or opinion of the electors.

(4) **Municipal Board may order submission of by-law or question at other than regular election.**—The Municipal Board may upon application by a municipality order that a by-law or question be submitted to the electors at an election other than a regular election and, subject to such orders and directions as the Municipal Board may give with respect to such election, section 108 of the *Municipal Elections Act* applies with necessary modifications as if such election were a new election.

(5) **By-laws, questions, in one notice.**—Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice. R.S.O. 1980, c. 302, s. 132(3-5).

**131. Assent of electors, what deemed to be.**—A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. R.S.O. 1980, c. 302, s. 133.

**132. (1) Procedure in case of county by-law.**—Where the by-law is proposed to be passed by a county council it shall, subject to subsection 130(4), be submitted, by the clerk of each town, not being a separated town, village and township within the county at the next regular election for the assent or opinion of the electors of each such municipality and the respective clerks shall upon expiry of the time for applying for a recount of the vote or, where there has been such an application, on the disposition of it by the judge hearing the application, forthwith certify the result of the vote in his or her municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

(2) **When by-law deemed to have assent.**—A by-law of a county shall be deemed to have been assented to by the electors if a majority of the total of the votes cast in all the local municipalities is in favour of the by-law. R.S.O. 1980, c. 302, s. 134.

## PASSING BY-LAWS BY COUNCIL

**133. (1) Cases in which council must pass by-law assented to by electors.**—Subject to subsection (5), where a proposed by-law that the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it is the duty of the council to pass the by-law within six weeks after the voting took place.

(2) **Discretion of council in other cases.**—Subject to subsection (5), in other cases it is not incumbent on the council to pass the by-law, but, if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards.

(3) **Time within which by-law cannot be passed.**—The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared or, if within that period an order for a recount has been made, until the result of the scrutiny has been certified by the judge who has jurisdiction in the matter.

(4) **Time occupied by recount not to be counted.**—The time that intervenes between the making of an application for a recount and the final disposition of it shall not be reckoned as part of the six weeks.

(5) **Extension of time for passing by-law.**—The Municipal Board may, upon the application of the council, extend the time for passing the by-law beyond such period of six weeks, and such extension of time may be made although the application for the extension is not made until after the expiration of such period of six weeks, and in such case the by-law may be passed within such extended time. R.S.O. 1980, c. 302, s. 136.

## PROMULGATION OF BY-LAWS

**134. (1) Promulgation of by-laws.**—The promulgation of a by-law consists of the publication of a true copy of it, with a notice in Form 6 in English or in English and French appended thereto, at least once a week for three successive weeks. R.S.O. 1980, c. 302, s. 137(1).

(2) **Synopsis.**—Instead of publishing a true copy of the by-law, the council may publish a synopsis of it. 1987, c. 10, s. 17.

(3) **If not moved against within the time limited to be valid.**—If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1980, c. 302, s. 137(3).

**PART IX  
QUASHING BY-LAWS**

**135. Definition.**—In this Part, “by-law” includes an order or resolution. (“règlement municipal”) R.S.O. 1980, c. 302, s. 138.



**136. (1) Proceedings to quash by-law.**—The Ontario Court (General Division) upon application of a resident of the municipality or of a person interested in a by-law of its council may quash the by-law in whole or in part for illegality.

(2) **Service of notice.**—Notice of the application shall be served at least seven days before the return day of the motion.

(3) **Recognizance.**—Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf shall enter into a recognizance before a judge of the Ontario Court (General Division) with two sureties in the sum of \$100, conditioned to prosecute the application with effect and to pay any costs that may be awarded against the applicant.

(4) **Allowance of recognizance.**—The judge may allow the recognizance upon the sureties making proper affidavits of justification and, after it is allowed, the recognizances with the affidavits shall be filed with the Ontario Court (General Division).

(5) **Deposit in court in lieu of recognizance.**—In lieu of the recognizance, the applicant may pay into court \$100, and the certificate of the payment into court shall be filed with the Ontario Court (General Division).

(6) **Application of deposit.**—After the determination of the proceedings, the judge may order that the money paid into court be applied in payment of costs or be paid out to the applicant. R.S.O. 1980, c. 302, s. 139, *revised*.

**137. (1) Application to quash by-law affecting another municipality.**—Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.

(2) **No security required from municipality.**—Where the application is made by a municipal corporation, security for costs shall not be required.

(3) **Inquiry where corrupt practices alleged.**—Where the application is based upon an allegation of a contravention of section 119 of the *Municipal Elections Act*, either alone or in conjunction with any other ground of objection, the Ontario Court (General Division) may direct an inquiry as to the alleged contravention to be had before an official examiner or a judge of the Ontario Court (General Division), and the witnesses upon the inquiry shall be examined upon oath.

(4) **Return of evidence to court.**—After the completion of the inquiry, the official examiner or the judge shall return the evidence taken before him or her to the Ontario Court (General Division), and the same may be read in evidence upon the motion to quash.

(5) **No act to be done under by-law pending inquiry.**—Where an order directing an inquiry has been made under subsection (3) and a copy of it has been left with the clerk of the municipality, unless the Ontario Court (General Division) otherwise orders, nothing shall be done under the by-law until the application is disposed of.

(6) **Other cases.**—In other cases, the court may direct that nothing shall be done under the by-law until the application is disposed of. R.S.O. 1980, c. 302, s. 140, *revised*.



**138. Time for making application to quash.**—An application to quash, in whole or in part, a by-law, except a money by-law registered under section 153, shall not be entertained unless made within one year after the passing of the by-law, but, if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time. R.S.O. 1980, c. 302, s. 141.

## PART X MONEY BY-LAWS

**139. Definition.**—“Rateable property”, when used in this Act or in any by-law heretofore or hereafter passed that directs the levying of a rate on the rateable property in the municipality or any part of it, includes business assessment within the meaning of the *Assessment Act*. (“biens imposables”) R.S.O. 1980, c. 302, s. 142.

**140. (1) When debentures to be made payable.**—A money by-law shall provide that the whole debt and the debentures, if any, to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued,

- (a) if the debt is for railways, harbour works or improvements, gas or water works, the purchase or improvement of parks or the erection of secondary or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drill-shed or armoury, in thirty years;
- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in twenty years;
- (c) if the debt is for the purchase of road-making machinery and appliances, in ten years;
- (d) if the debt is for any other purpose, in such term of years as the Municipal Board may approve.

**(2) Principal and interest payments.**—A money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

**(3) Amount to be raised annually.**—A money by-law for the issuing of debentures shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection (14). R.S.O. 1980, c. 302, s. 143(1-3).

**(4) Instalment debentures and debentures to refund existing debentures at maturity.**—Despite subsection (3), a local municipality may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than five years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, but the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case. R.S.O. 1980, c. 302, s. 143(4); 1982, c. 24, s. 5; 1982, c. 50, s. 9(1).

(5) **By-law to change mode of issuing debentures.**—The council may by by-law authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or vice versa, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. R.S.O. 1980, c. 302, s. 143(5); 1982, c. 50, s. 9(2).

(6) **Debentures, when to be dated and issued.**—All the debentures shall be issued within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(7) **Date of debentures.**—All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date.

(8) **Idem.**—Despite the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (6) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(9) **Extension of time for issue.**—The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(10) **Application after time expired.**—The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(11) **Day when by-law to take effect.**—Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing.

(12) **Consolidation.**—Despite any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(13) **Redemption before maturity.**—The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the corporation on any date prior to maturity, subject to the following provisions:

1. **Place of payment and value.**—The by-law and every debenture that is so redeemable shall specify the place of payment and the value at which such debenture may be so redeemed.
2. **Interest.**—The principal of every debenture that is so redeemable shall become due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the amount thereof.
3. **Notice to registered owner.**—Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the debenture registry book.
4. **Publication of notice.**—At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide.
5. **Order in which debentures to be redeemed.**—Where only a portion of the debenture issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates, and no debenture issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. **Effect of redemption.**—Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

(14) **Joint municipal projects.**—Despite this section, if a municipality will be liable for a portion of the annual carrying charges on a debt intended to be created on behalf of two or more municipalities, such municipality may pass a by-law providing



for raising, by a special rate on all the rateable property liable therefor in the municipality in each year of the currency of the debt, its share of the principal and interest falling due in each such year, and the by-law shall provide that such share shall be determined as provided in the Act, authorizing the issue of the debentures and need not provide for the raising of a specific sum in each year of the currency of the debt. R.S.O. 1980, c. 302, s. 143(6-14).

(15) **Exchange of debentures permitted.**—On request of the owner of any debenture issued by a local municipality, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged. R.S.O. 1980, c. 302, s. 143(15); 1982, c. 50, s. 9(3).

(16) **Fully registered debentures.**—Any new debenture mentioned in subsection (15) may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest. but in all other respects shall be of the same force and effect as the debentures surrendered for exchange.

(17) **Destruction of debentures surrendered for exchange.**—All debentures surrendered for exchange under subsection (15) shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the debenture registry book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

(18) **By-law to provide for exchange of debentures.**—A money by-law may provide for exchanges of debentures as provided for in subsection (15) on such terms and conditions as to notice or otherwise as the by-law may provide.

(19) **All debentures rank equally.**—Despite any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and proportionately in respect of payment of principal and interest thereon with all other debentures of the municipality except as to the availability of any sinking funds applicable to any particular issue of debentures. R.S.O. 1980, c. 302, s. 143(16-19).

**141. (1) Extendible and retractable debentures.**—Despite this Act, a local municipality may provide in any money by-law for the issuing of debentures, that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date not less than five years after the date of issue thereof with interest payable annually or semi-annually, subject to the obligation of the municipality,

- (a) to extend the term of all or any of the debentures at the request of the holder thereof given to the treasurer of the municipality at any time or times fixed in the by-law prior to the maturity date of the debentures on the terms and subject to the conditions as to notice and other relevant matters set forth in the by-law, which debentures shall be known as extendible term debentures; or



(b) if the debentures have a maturity date longer than five years, to redeem all or any of the debentures at the request of a holder thereof at an earlier date or dates fixed in the by-law not earlier than five years after the date upon which the debentures are issued, on the terms and subject to the conditions as to notice and other relevant matters set forth in the by-law, which debentures shall be known as retractable term debentures. 1982, c. 24, s. 6, *part*; 1982, c. 50, s. 10(1).

(2) **Change of interest rate.**—A by-law passed under subsection (1) shall,

(a) with respect to extendible term debentures,

(i) fix the rate of interest payable thereon during the initial term, and

(ii) provide that the rate of interest payable thereon with respect to any extended term,

(A) shall be the same as the amount fixed under subclause (i),

(B) shall be such different rate as is set out in the by-law, or

(C) shall be a rate determined by a further by-law of the municipality passed not less than six months prior to the maturity date of the debentures; and

(b) with respect to retractable term debentures,

(i) fix the rate of interest payable thereon prior to the first early redemption date,

(ii) provide that the rate of interest payable thereon with respect to any period commencing the day immediately following an early redemption date and expiring with the next early redemption date or with the maturity date, as the case may be,

(A) shall be the same as the amount fixed under subclause (i),

(B) shall be such different rate as is set out in the by-law, or

(C) shall be a rate determined by a further by-law of the municipality passed not less than six months prior to the beginning of the period.

(3) **Notice of change.**—Where a by-law passed under subsection (1) contains a provision authorized by sub-subclause (2)(a)(ii)(C) or (b)(ii)(C), notice of the change in the interest rate shall be sent by the treasurer of the municipality by prepaid mail at least seventy days prior to the date set for such change to the person, if any, in whose name the debenture is registered at the address shown in the debenture registry book and shall be published at least sixty days prior to the maturity or redemption date in such manner as the by-law may provide.

(4) **Mandatory provisions in by-law.**—A by-law passed under subsection (1) shall, with respect to extendible or retractable term debentures, provide for raising by a special rate on all the rateable property in the municipality,

(a) in each year of the currency of the debentures, a sum sufficient to pay the interest thereon; and

(b) in each year of the currency of the debentures, a specified amount to form a retirement fund for the debentures which amount shall be equal to or greater than the amount that would have been required to have been raised in each year in respect of principal if the principal amount of the debentures had been payable in equal annual instalments and the debentures had been issued for the maximum period of years that was approved by the Municipal Board

for the repayment of debentures issued for the debt for which the debentures were issued, commencing on the date of the debentures,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

(5) **Retirement fund.**—The retirement fund referred to in clause (4)(b) shall be administered in all respects in the same manner as a sinking fund established under section 144, and subsections 144(3) to (9) apply with necessary modifications to the retirement fund.

(6) **Debentures to refund existing debentures at maturity.**—To the extent that it has not otherwise been raised or is not otherwise available, the money required to refund extendible or retractable term debentures issued under a by-law passed under this section shall be raised by the issue of debentures under the appropriate clause of subsection (7).

(7) **Exchange and refund.**—A municipality may, by by-law, authorize the issue of debentures,

- (a) to be exchanged for extendible term debentures extended by the holders thereof in accordance with this section and the by-law authorizing the issue of such debentures;
- (b) to refund at maturity extendible term debentures; and
- (c) to refund retractable term debentures at maturity and at early redemption dates.

(8) **Maximum term of debentures.**—Debentures issued under subsection (7) shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the debentures were issued, commencing on the date of the debentures that are being refunded or for which the exchange is being made.

(9) **Mandatory provision in by-law.**—A by-law passed under subsection (7) shall provide for the amounts of principal and interest payable on the debentures to be raised by a rate or rates on the rateable property of the same class or classes of ratepayers as were subject to the rates levied to raise amounts to pay the principal and interest payable on the debentures that are being refunded or for which the exchange is being made.

(10) **Method of expressing interest rate.**—A by-law passed under subsection (2) to fix rates of interest or to change rates of interest shall express the rates in terms of a specific percentage rate and not in terms of a percentage rate based on another rate or amount to be ascertained in the future.

(11) **Term of extensions.**—The period by which an extendible term debenture may be extended under clause (1)(a) shall be not less than five years and the period shall expire within the maximum period of years that was approved by the Municipal Board for the repayment of debentures issued for the debt for which the extendible debenture was issued, commencing on the date of the extendible debenture.

(12) **Early redemption dates.**—Early redemption dates fixed by a by-law passed under clause (1)(b) shall be at least five years apart and the last early redemption

date shall precede the maturity date of the debentures by at least five years. 1982, c. 24, s. 6, *part*.

(13) **O.M.B. approval not required.**—Despite this Act or any other Act, the approval of the Municipal Board is not required for the extending of debentures under clause (1)(a) or the issuing of debentures under subsection (7). 1982, c. 24, s. 6, *part*; 1982, c. 50, s. 10(2).

**142. Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount.**—Despite this Act,

- (a) a money by-law of a local municipality may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) **interest ceases to accrue on date set for redemption.**—the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof;
- (c) **debentures to be redeemed may be purchased.**—the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality in such manner as may be prescribed by by-law of the council and when redeemed shall be cancelled and shall not be reissued, but the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;
- (d) **notice to redeem to be sent by mail.**—notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the debenture registry book;
- (e) **notice to redeem to be published.**—notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;
- (f) **where only portion of debentures payable on fixed date.**—where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and
- (g) **annual amounts payable to be approximately equal.**—the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. R.S.O. 1980, c. 302, s. 144; 1982, c. 50, s. 11; 1988, c. 31, s. 3.



**143. (1) Consolidating debenture by-laws.**—Despite this Act or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

(2) **Recitals.**—The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

(3) **Rates need not be imposed by consolidating by-law.**—It is not necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

(4) **Consolidating by-law may authorize debentures of different terms of years.**—A consolidating by-law passed under this section may authorize the issue of debentures in one series even if some of the debentures may be for different terms of years from the other debentures to be issued thereunder, but the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums that would have been raised under the separate by-laws had no consolidating by-law been passed.

(5) **Reference to separate by-laws not required in debentures.**—Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in respect of which the consolidating by-law is passed. R.S.O. 1980, c. 302, s. 145.

**144. (1) Sinking fund debentures.**—Despite section 140, a local municipality may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures. R.S.O. 1980, c. 302, s. 146(1); 1982, c. 50, s. 12(1).

(2) **Amount to be raised annually.**—The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

- (a) a specific amount, sufficient to pay the interest on the debentures; and
- (b) a specific amount for the sinking fund which, with interest at a rate not to exceed 8 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act. R.S.O. 1980, c. 302, s. 146(2); 1982, c. 50, s. 12(2).

(3) **Amounts raised to be deposited with a bank, trust corporation or credit union.**—Every money by-law passed under this section shall provide that the municipality shall deposit the annual amount to be raised under clause (2)(b),

- (a) with a bank listed in Schedule I or II to the *Bank Act* (Canada) or a trust corporation that is registered under the *Loan and Trust Corporations Act*; or



- (b) subject to the *Credit Unions and Caisses Populaires Act*, with a credit union as defined in that Act,

and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures. R.S.O. 1980, c. 302, s. 146(3); 1982, c. 24, s. 7.

(4) **Powers.**—The bank, trust corporation or credit union shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

(5) **Authorized investments.**—The bank, trust corporation or credit union may invest,

- (a) in securities in which a trustee may invest under the *Trustee Act*;
- (b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;
- (c) in such other securities as are authorized by the Lieutenant Governor in Council;
- (d) in the debentures to the payment of which the sinking fund is applicable; and
- (e) not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

but the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

(6) **Annual financial statement to be submitted.**—The bank, trust corporation or credit union shall, not later than the 31st day of January in each year, submit to the Ministry and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund.

(7) **Surplus in sinking fund.**—When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank, trust corporation or credit union to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank, trust corporation or credit union in such year in accordance with subsection (3) and the levy for the sinking fund in such year shall be reduced accordingly.

(8) **Deficiency in sinking fund.**—When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank, trust corporation or credit union an amount sufficient to make up the deficiency in the sinking fund.

(9) **Disposition of sinking fund at maturity of debentures.**—At the maturity of the debentures for which the sinking fund was established, the bank, trust corporation

or credit union shall pay to the treasurer of the municipality the amount accumulated in the sinking fund. R.S.O. 1980, c. 302, s. 146(4-9).

**145. (1) Term debentures.**—Despite this Act, a local municipality may provide in any money by-law for the issuing of debentures that a portion the debentures to be issued thereunder shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. R.S.O. 1980, c. 302, s. 147(1); 1982, c. 50, s. 13(1).

**(2) Amounts to be raised annually.**—In respect of the term debentures, the by-law shall provide for raising, by a special rate on all the rateable property in the municipality,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 8 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act. R.S.O. 1980, c. 302, s. 147(2); 1982, c. 50, s. 13(2).

**(3) Retirement fund.**—The retirement fund for the term debentures shall be administered in all respects in the same manner as a sinking fund established under section 144, and the provisions of subsections 144(3) to (9) with respect to a sinking fund apply with necessary modifications to such retirement fund. R.S.O. 1980, c. 302, s. 147(3).

**146. (1) Debentures expressed in foreign currency.**—The power of a municipality under this Act or any other general or special Act to borrow or raise money for any purpose and to issue debentures therefor includes the power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain or dollars of the United States of America for such principal amount as the council considers necessary to realize the sum required for such purpose. R.S.O. 1980, c. 302, s. 148(1), *revised*.

**(2) Annual rates.**—Where under any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling or dollars of the United States of America, the council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

**(3) Premium to be set aside in reserve fund.**—Every money by-law passed under this section shall provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the

cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. R.S.O. 1980, c. 302, s. 148(2, 3).

(4) **Debentures payable in foreign currency.**—Despite this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under the *Ontario Unconditional Grants Act* may by by-law, subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient. R.S.O. 1980, c. 302, s. 148(4); 1987, c. 10, s. 18.

**147. (1) Corporation may incur debt.**—Subject to the limitations in this or any other Act, a municipal corporation may incur a debt for the purposes of the municipality whether under this or under any other Act. 1982, c. 50, s. 14(1).

(2) **O.M.B. approval not required.**—Sections 65 and 66 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by the municipal corporation or any other municipal corporation,

- (a) premium notes given for fire insurance;
- (b) arrangements to provide pensions under paragraph 46 of section 207;
- (c) grants for retiring allowances under section 98;
- (d) agreements for fire protection under paragraph 1 of section 207;
- (e) agreements for area fire protection under clause (c) of paragraph 31 of section 210;
- (f) agreements under the *Police Services Act* respecting policing of the whole or any part of a municipality by the Ontario Provincial Police;
- (g) agreements for sharing the cost of services of officers and employees of municipalities or local boards;
- (h) agreements respecting maintenance and repair of boundary roads under section 271;
- (i) agreements respecting homes under the *Homes for the Aged and Rest Homes Act*;
- (j) agreements respecting water supply under paragraph 2 of section 207;
- (k) agreements respecting the management and operation of systems and services under paragraph 5 of section 207;
- (l) agreements for watering or oiling highways under paragraph 7 of section 207;
- (m) agreements respecting bus franchises under paragraph 103 of section 210;
- (n) agreements for furnishing public bus transportation under paragraph 104 of section 210;
- (o) agreements under the *Power Corporation Act* with Ontario Hydro on its behalf or on behalf of Her Majesty in right of Ontario;



- (p) agreements respecting matters of employment of officers and employees of the corporation or a local board thereof;
- (q) agreements respecting regional economic development under paragraph 59 of section 207;
- (r) agreements for insurance and reciprocal contracts of indemnity or inter-insurance providing insurance and protection under paragraphs 3, 50 and 51 of section 207 and under section 248 [section 252] of this Act and under section 14 of the *Municipal Conflict of Interest Act*. R.S.O. 1980, c. 302, s. 149(2); 1982, c. 50, s. 14(2); 1988, c. 31, s. 4; 1989, c. 11, s. 3, *revised*.

(3) **Notice.**—Where a municipal corporation applies to the Municipal Board for the approval of the incurring of a debt, the Board may direct that notice of the proposal to incur the debt be given in such manner as the Board may require and that the notice state that anyone objecting to the proposal may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipal corporation an objection to the proposal and the clerk shall forthwith forward a copy of the objection to the secretary of the Board. 1982, c. 50, s. 14(3).

**148. (1) Contracts for supply of public utility.**—A municipal corporation may enter into a contract for the supply of any service of a public utility as defined in the *Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may renew such contract from time to time for such further term of years as the Municipal Board may approve. 1982, c. 50, s. 15.

(2) **Where particular areas only are benefited.**—Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on all the rateable property in such area to defray the cost thereof. R.S.O. 1980, c. 302, s. 150(2).

**149. (1) When rate of interest may be varied.**—If the council of a municipality is of the opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the council may pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the council may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor. R.S.O. 1980, c. 302, s. 152(1); 1982, c. 50, s. 17(1).



(2) **Where Municipal Board approval required.**—Despite subsection (1), the council of a municipality shall not pass a by-law under subsection (1) until the approval of the Municipal Board has first been obtained where the by-law represents an increase of more than one-half of 1 per cent in terms of net borrowing cost on any municipal debentures that remain unsold or undisposed of.

(3) **Hypothecation not a sale under this section.**—For the purposes of this section, the hypothecation of debentures under section 183 at any time heretofore or hereafter made does not constitute a sale or other disposal thereof.

(4) **Consolidation of debentures.**—The council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

(5) **Special assessments and levies.**—A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof. R.S.O. 1980, c. 302, s. 152(3-6).

**150. (1) Repeal of by-law, when part only of money raised.**—Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

(2) **When to take effect.**—The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1980, c. 302, s. 153.

**151. Until debt paid certain by-laws cannot be repealed.**—Subject to section 150, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation that has been directed to be applied to such payment. R.S.O. 1980, c. 302, s. 154.

**152. Offence.**—Every officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence. R.S.O. 1980, c. 302, s. 155; 1982, c. 50, s. 18.

## REGISTRATION OF MONEY BY-LAWS

**153. (1) Money by-laws may be registered.**—Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his or her hand and the seal of the corporation, in the case of a county, in

the land registry division in which the county town is situate and, in the case of a local municipality, in the land registry division in which it is situate or, if the municipality comprises parts of two or more land registry divisions, in either of them.

(2) **Application to quash registered by-law, when to be made.**—Subject to section 62 of the *Ontario Municipal Board Act*, every by-law, registered in accordance with subsection (1) or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed unless within one month after the registration in the case of by-laws passed under the *Drainage Act* or the *Local Improvement Act* and, in the case of other by-laws, within three months after the registration an application or action to quash the by-law is made to or brought in a court of competent jurisdiction and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such land registry office within such period of three months, or one month, as the case may be.

(3) **Time when by-law to be valid and binding.**—After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

(4) **Quashing part of by-law.**—If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, after the expiration of that period is valid and binding according to its terms.

(5) **Dismissal of application.**—If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered and, after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) **Illegal by-laws not validated.**—Nothing in this section makes valid a by-law that requires but has not received the assent of the electors or a by-law where it appears on the face of it that subsections 140(1) and (3) have not been substantially complied with.

(7) **Failure to register.**—Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1980, c. 302, s. 156.

**154. Regulations.**—The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary for carrying out the purposes of this Part. R.S.O. 1980, c. 302, s. 157.

## PART XI YEARLY RATES AND ESTIMATES

**155. Rates.**—The council of every local municipality in each year shall levy in the manner set out in the *Ontario Unconditional Grants Act*, on the whole of the assessment for real property and business assessment, according to the last revised

assessment roll, a sum equal to the aggregate of the sums adopted under section 162. R.S.O. 1980, c. 302, s. 158.

**156. (1) Levy authorized before estimates adopted.**—Despite section 155, the council of every local municipality may by by-law passed before the adoption of the estimates in any year provide that in that year and in each succeeding year the council may, before the adoption of the estimates for the year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters, and such by-law shall remain in force from year to year until it is repealed and any by-law repealing such by-law shall be effective only at the end of any year.

(2) **Business assessment.**—Where the council of a local municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, despite section 155, may by by-law passed before the adoption of the estimates in any year provide that in that year and in each succeeding year the council may, before the adoption of the estimates for the year, levy on the whole of the business assessment according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on business assessment of public school supporters, and such by-law shall remain in force from year to year until it is repealed and any by-law repealing such by-law shall be effective only at the end of any year. R.S.O. 1980, c. 302, s. 159(1, 2).

(3) **Certification by clerk of assessment roll as last returned.**—Where the regional registrar of the Assessment Review Board has not certified in any year in accordance with subsection 37(1) of the *Assessment Act* the last revised assessment roll of any local municipality for taxation in the following year, the clerk of the municipality may, before the 1st day of February in such following year, certify that the assessment roll last returned to him or her as altered, amended and corrected pursuant to section 58 of the *Assessment Act* is the last revised assessment roll for the purpose of any levy made under this section in such year and when the clerk so certifies, that assessment roll as altered, amended and corrected, shall be deemed to be the last revised assessment roll for the purpose of any levy made under this section in such year. R.S.O. 1980, c. 302, s. 159(3); 1982, c. 40, s. 2.

(4) **Levy under s. 155 to be reduced.**—Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 155 shall be reduced by the amount to be raised by the levy under this section.

(5) **Application provisions re levy and collection of taxes.**—The provisions of this Act with respect to the levy of the yearly rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section. R.S.O. 1980, c. 302, s. 159(4,5).

**157. (1) Universities, etc., liable to tax.**—Despite any general or special Act, the council of a local municipality in which there is situate,

- (a) a university designated by the Minister of Colleges and Universities; or
- (b) a college of applied arts and technology,



may pass by-laws to levy an annual tax payable on or after the 1st day of July upon such university or college, not exceeding the sum of \$75 a year for each full-time student enrolled in such university or college in the year preceding the year of levy, as determined by the Minister of Colleges and Universities. R.S.O. 1980, c. 302, s. 160(1); 1988, c. 31, s. 5(1), *part*.

(2) **Ryerson Polytechnical Institute.**—For the purposes of subsection (1), the Ryerson Polytechnical Institute shall be deemed to be a college of applied arts and technology. R.S.O. 1980, c. 302, s. 160(2).

(3) **Annual levy on correctional institutions, etc.**—Despite any general or special Act, the council of a local municipality in which there is situate a correctional institution designated by the Minister of Correctional Services or a training school, or place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada), designated by the Minister of Community and Social Services, may pass by-laws to levy an annual amount payable on or after the 1st day of July, upon such institution or school, not exceeding the sum of \$75 a year for each resident place in such institution or school as determined by the Minister of Correctional Services or the Minister of Community and Social Services respectively. R.S.O. 1980, c. 302, s. 160(3); 1984, c. 55, s. 222; 1988, c. 31, s. 5(1), *part*.

(4) **Annual levy on public hospitals, etc.**—Despite any general or special Act, the council of a local municipality, in which there is situate a public hospital or provincial mental health facility designated by the Minister of Health, may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$75 a year for each provincially rated bed in such public hospital or provincial mental health facility as determined by the Minister of Health. R.S.O. 1980, c. 302, s. 160(4); 1988, c. 31, s. 5(1), *part*.

(5) **Annual levy on facilities for the mentally retarded.**—Despite any general or special Act, the council of a local municipality, in which there is situate a facility under the *Developmental Services Act* designated by the Minister of Community and Social Services, may pass by-laws to levy an annual amount, payable on or after the 1st day of July upon such facility, not exceeding the sum of \$75 a year for each provincially rated bed as determined by the Minister of Community and Social Services. R.S.O. 1980, c. 302, s. 160(5); 1988, c. 31, s. 5(1), *part*.

(6) **Annual levy on provincial educational institutions.**—Despite any general or special Act, the council of a local municipality, in which there is situate a provincial education institution designated by the Minister under whose jurisdiction such institution falls, may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$75 a year for each place in such institution as determined by that Minister. R.S.O. 1980, c. 302, s. 160(6); 1988, c. 31, s. 5(1), *part*.

(7) **Agreement for municipal services authorized.**—A municipality in which an institution designated under subsection (3), (4), (5) or (6) is situate may enter into an agreement with one or more municipalities for the providing of municipal service or services to such institution. R.S.O. 1980, c. 302, s. 160(8); 1988, c. 31, s. 5(2).

(8) **Minister may direct agreement be entered into.**—The Minister may direct a municipality in which an institution designated under subsection (3), (4), (5) or (6) is situate to enter into an agreement with another municipality for the providing



of any municipal service or services to such institution on such terms as the Minister may stipulate. R.S.O. 1980, c. 302, s. 160(9); 1988, c. 31, s. 5(3).

(9) **Application to O.M.B.**—Where the Minister has directed that an agreement be entered into under subsection (8) and the municipalities fail to reach agreement within sixty days after the Minister's direction, either of such municipalities or the Minister may apply to the Municipal Board and the Board shall settle the terms and conditions of such agreement. R.S.O. 1980, c. 302, s. 160(10).

(10) **Termination of existing agreements.**—Where a municipality has entered into an agreement under subsection (7) or (8), the Province may terminate any agreement between the Province and such municipality for the provision of any service or services to institutions designated under subsection (3), (4), (5) or (6). R.S.O. 1980, c. 302, s. 160(11); 1988, c. 31, s. 5(4).

(11) **Equalized assessment of municipality deemed increased.**—The equalized assessment of a municipality that levies under this section shall be deemed for apportionment purposes other than for school purposes, county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year, by the total equalized commercial and industrial assessment for the preceding year, times 1,000.

(12) **Exclusion of taxes added to collector's roll.**—In determining the taxes levied on commercial and industrial assessment under subsection (11), there shall be excluded taxes on such assessment under section 34 of the *Assessment Act*.

(13) **Definition.**—For the purposes of subsection (11), “merged area” means, where a municipality referred to in subsection (11) is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality and, for the purposes of this subsection and subsection (11), the County of Oxford shall be deemed to be a regional municipality. (“secteur fusionné”)

(14) **Notification of amount of assessment increases.**—The clerk of every local municipality that levies under this section shall forthwith transmit, to each body for which the local municipality levies a rate, except a school board or county, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection (11).

(15) **Allocation of levy.**—The council of a municipality that levies under this section in each year shall allocate a portion of the amount levied to each of the bodies for which the municipality levies a rate, other than a school board, in the proportion that the taxes levied in the preceding year on commercial and industrial assessment for each such body bears to the total taxes levied in the preceding year on commercial and industrial assessment for all purposes other than school purposes.

(16) **Where municipal boundaries adjusted, etc.**—For the purposes of subsection (15), where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year.

(17) **Exclusion of taxes added to collector's roll.**—In determining taxes levied on commercial and industrial assessment under subsection (15), there shall be excluded taxes on such assessment under section 34 of the *Assessment Act*.

(18) **Reduction for purposes of certain levies.**—Where a municipality allocates an amount under subsection (15) such amount shall be deducted from the requisition of each such body and the net amount shall be the amount included in the levy of the municipality for purposes of section 155 of this Act and section 8 of the *Ontario Unconditional Grants Act*. R.S.O. 1980, c. 302, s. 160(12-19).

**158. (1) Definition.**—In this section, “non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. (“association de services aux hôpitaux à but non lucratif”) 1982, c. 50, s. 19, *part*.

(2) **Tax exemption.**—Real property occupied by a non-profit hospital service corporation and used chiefly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but, subject to subsection (3), is not exempt from a sewer rate or water works rate imposed under subsection 221(2) or (13) or from a sewage service rate imposed under subsection 221(20).

(3) **Exemption from sewer, water rates.**—The council of a municipality that imposed the rate may pass a by-law exempting the property exempted from taxation for municipal and school purposes under subsection (2) from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works. 1989, c. 84, s. 2.

(4) **Payment in lieu of taxes.**—In each year, the Minister may pay to a local municipality, in which there is real property exempted from taxation under subsection (2), an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation.

(5) **Apportionment.**—Subsections 157 (12) to (19) [subsections 157 (11) to (18)] apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) [subsection (4)] as though such amount were an amount levied by that local municipality under section 157.

(6) **Idem.**—For the purposes of clause (c) of the definition of “payment in lieu of taxes” in subsection 366(1) an amount paid by the Minister to a local municipality under subsection (3) [subsection (4)] shall be deemed to have been received by the municipality under section 157. 1982, c. 50, s. 19, *part*.

**159. (1) Returns by telegraph and telephone companies.**—Every telegraph and telephone company doing business in Ontario shall, on or before the 1st day of March in each year, transmit to the clerk of each local municipality in which the company does business, a statement in writing of the amount of the gross receipts of the company in such municipality for the next preceding year ending on the 31st day of December.

(2) **Apportionment of gross receipts.**—In determining the amount of the gross receipts of a telephone company in each local municipality under subsection (1), a telephone company shall apportion the total gross receipts of the company in all such

municipalities to each municipality in the proportion that the number of telephones connected to the company's system in each municipality bears to the total number of telephones connected to the company's system in all such municipalities as of the 31st day of December of the year in respect of which the statement is transmitted.

(3) **What constitutes gross receipts.**—For the purposes of subsection (1), gross receipts of a telephone company shall be the total of regularly recurring revenue arising from telephones and other equipment and shall include revenue from long distance calls.

(4) **Receipts from traffic agreement.**—In addition to the statement to be submitted under subsection (1), every telephone company that is entitled to receipts from another telephone company under a traffic agreement for any year ending the 31st day of December shall, on or before the 1st day of March of the following year, transmit to the clerk of each local municipality to which any portion of such receipts is attributable, a statement in writing, setting out the amount of such receipts attributable to that local municipality.

(5) **Returns.**—For the purpose of enabling a company to arrive at the amount of receipts attributable to a local municipality under subsection (4), each telephone company which makes payment to another telephone company under the terms of a traffic agreement shall compile a return in writing showing the name of each local municipality in Ontario in which it operates, the number of telephones connected to its system in each such municipality, and the total number of telephones connected to its system in all such municipalities as at the last preceding 31st day of December and shall on or before the 14th day of February in the following year transmit the return to the company to which it has made such payment and a copy of the said return to the clerk of each municipality cited in the return.

(6) **Manner of attributing receipts.**—Each telephone company receiving a return from another telephone company under subsection (5) shall attribute the receipts acquired during the next preceding year ending the 31st day of December under its traffic agreement with such other company to each local municipality specified in the return in the ratio that the number of telephones shown on the return for each such municipality bears to the total number of telephones shown on the return and the amount so attributed shall be the amount referred to in subsection (4).

(7) **Provisio.**—A traffic agreement between two telephone companies, each of which connects to more than one other telephone company in Ontario for the purpose of toll traffic, shall be deemed not to be a traffic agreement for the purposes of subsections (4), (5) and (6).

(8) **Regulations.**—The Lieutenant Governor in Council may make regulations prescribing the items to be included or excluded in calculating and ascertaining receipts under a traffic agreement for the purposes of subsections (4) and (6) and a regulation made under this subsection shall, if it so provides, be effective with reference to a period before it was filed.

(9) **Interpretation.**—For the purposes of subsection (4), a telephone company that is entitled to receipts from another telephone company under a traffic agreement means a telephone company that is entitled to receive the net balance of the long distance revenues collected under the terms of a traffic agreement after the commissions and associated claims payable under that agreement have been settled.



(10) **Idem.**—For the purposes of subsection (5), a telephone company which makes payment to another telephone company under the terms of a traffic agreement means a telephone company which transmits to another telephone company pursuant to the terms of a traffic agreement the net balance of the long distance revenues collected under the terms of that traffic agreement after the commissions and associated claims payable under the agreement have been settled.

(11) **Idem.**—For the purposes of subsection (7), toll traffic means traffic for which a subscriber is charged according to a long distance tariff.

(12) **Rate of tax.**—The council of every local municipality shall levy on each company from which a statement is received under subsection (1), at the same time as a levy is made under section 155 of this Act or under section 8 of the *Ontario Unconditional Grants Act*, an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company as shown on the statement provided under subsection (1).

(13) **Idem.**—In each year the council of each local municipality shall, at the same time as a levy is made under section 155 of this Act or under section 8 of the *Ontario Unconditional Grants Act*, levy on each company from which a statement is received under subsection (4) an annual tax of an amount equal to 5 per cent of the total of the traffic agreement receipts of such company as shown on the statement. R.S.O. 1980, c. 302, s. 161(1-13).

(14) **Idem.**—Despite subsection (12), where there are less than 4,000 telephones connected to a company's system the annual tax referred to in subsection (12) shall be 5 per cent in each year.

(15) **Levy before estimates adopted.**—Section 156 applies with necessary modifications to an annual tax levied by any local municipality under this section, except that the amount which may be levied against any company under this subsection shall not exceed 50 per cent of the total annual tax levied by such local municipality against that company in the next preceding year under subsections (12) and (13), and no levy may be made pursuant to this subsection in any year unless the municipality has by by-law provided generally for a levy before the adoption of the estimates for that year.

(16) **How tax collectable.**—Any tax levied under this section is collectable in the same manner as municipal taxes are collectable and is a special lien under section 382 on all of the lands of the company in the municipality. R.S.O. 1980, c. 302, s. 161(15-17).

(17) **Equalized assessment of municipality deemed increased.**—The equalized assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes other than for school purposes or county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes on the commercial and industrial assessment of public school supporters, in the preceding year, by the total equalized commercial and industrial assessment of public school supporters for the preceding year, times 1,000. R.S.O. 1980, c. 302, s. 161(18); 1989, c. 65, s. 43(1).



(18) **Exclusion of certain taxes.**—In determining the taxes levied on commercial and industrial assessment under subsection (17), there shall be excluded taxes on such assessment under section 34 of the *Assessment Act*.

(19) **Definition.**—For the purposes of subsection (17), “merged area” means, where a municipality referred to in subsection (17) is situated within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality. (“secteur fusionné”) R.S.O. 1980, c. 302, s. 161(19, 20).

(20) **Notification of amount of assessment increase.**—The clerk of every municipality that levies a tax under this section shall, on or before the 15th day of March in each year, transmit to each body for which the municipality levies a rate, except a school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection (17), and where a municipality has, in the preceding year, levied a rate on commercial and industrial assessment in a defined area of the municipality only, the statement of that municipality shall also show,

- (a) the rates levied in the preceding year for all purposes on the commercial and industrial assessment of public school supporters, including the rates levied on such assessment in defined areas of the municipality only;
- (b) the whole of the commercial and industrial assessment of public school supporters according to the last revised assessment roll for the preceding year;
- (c) the commercial and industrial assessment of public school supporters subject to rates levied on assessment in defined areas of the municipality only;
- (d) the total amount levied in the preceding year for all purposes on the commercial and industrial assessment of public school supporters, including the amounts levied on such assessment in defined areas of the municipality only;
- (e) the amount levied under this section in the preceding year; and
- (f) the rate determined under subsection (17) for purposes of calculating the amount that would have produced the amount mentioned in clause (e). R.S.O. 1980, c. 302, s. 161(21); 1989, c. 65, s. 43(2).

(21) **Allocation of tax.**—The council of the municipality shall allocate a portion of the tax levied under subsections (12) and (13) to each of the bodies for which the municipality levies a rate, other than a separate school board, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than separate school purposes. R.S.O. 1980, c. 302, s. 161(22).

(22) **Idem.**—Despite subsection (21), that portion of the tax levied under subsections (12) and (13) to be allocated to public school boards shall be shared among all school boards having jurisdiction in the municipality in the proportion that the share of the residential and farm assessment of each school board in the municipality in the preceding year bears to the whole of the residential and farm assessment in the municipality in the preceding year.

(23) **Deemed school boards.**—For purposes of subsection (22), in the case of area municipalities within The Regional Municipality of Ottawa-Carleton, the public

sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board shall each be deemed to be a school board having jurisdiction in the municipality. 1989, c. 65, s. 43(3).

(24) **Where municipal boundaries adjusted, etc.**—For the purposes of subsections (21) and (22), where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year. R.S.O. 1980, c. 302, s. 161(23); 1989, c. 65, s. 43(4).

(25) **Reduction for purposes of certain levies.**—The amount allocated to each body under subsection (21) or to each school board under subsection (22) shall be deducted from the requisition of each such body or school board making an apportionment to the municipality and the net amount shall be the amount included in the levy of the municipality for purposes of section 155 of this Act and section 8 of the *Ontario Unconditional Grants Act*. R.S.O. 1980, c. 302, s. 161(24); 1989, c. 65, s. 43(5).

**160. (1) Where rates to be levied on full values.**—Despite this Act or any other general or special Act, any order of the Municipal Board, any municipal by-law or resolution, or any contract or other instrument, a municipal rate levied for any of the purposes set out in section 208 or for welfare assistance purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*.

(2) **Fixed assessment exemptions to be included.**—The council of a county in levying a rate for any of the purposes set out in subsection (1) shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment. R.S.O. 1980, c. 302, s. 162.

**161. (1) Federation of Agriculture, special rate.**—The council of a local municipality may by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the local municipality who are entered on the assessment roll in respect of land assessed as farm land as the annual membership fees of such persons in the Federation of Agriculture.

(2) **By-law remains in force until repealed.**—A by-law passed under subsection (1) remains in force until amended or repealed, and it is not necessary to pass such by-law annually.

(3) **How special rate may be avoided.**—Any person liable to a special rate under a by-law passed under subsection (1) may, within thirty days after delivery of the notice of taxes under section 392, notify in writing the clerk that the person objects to the assessment and levy by the by-law authorized by subsection (1), and thereupon the clerk shall amend the collector's roll by striking out such assessment and levy in respect of such person and shall write his or her name or initials against such amendment and deliver a notice of taxes amended accordingly to such person.

(4) **Nature of special rate.**—The rate mentioned in subsection (1) shall be assessed, levied and collected in the same manner as local rates and shall be similarly calculated

upon the assessments as finally revised and shall be entered in the collector's roll in a special column the heading whereof shall be designated "Federation of Agriculture Membership Fees", but does not form a charge upon land and is not subject to penalty for non-payment.

(5) **Deposit of sums collected.**—The treasurer of the local municipality shall deposit the sums collected under this section in a special account and shall from time to time upon demand pay such sums to the treasurer of the Federation of Agriculture for the county in which the local municipality is situate.

(6) **Termination of duty to collect.**—The treasurer of the local municipality shall on the date fixed by statute for the return of the collector's roll prepare and forward to the treasurer of the Federation of Agriculture for the county in which the local municipality is situate a list of the names of the ratepayers to whom the by-law mentioned in subsection (1) is applicable and whose rates thereunder have not been collected, and thereupon the duty of the local municipality to collect such rates terminates.

(7) **Payment of services.**—The treasurer of the local municipality shall deduct from the sums collected such amounts for the services rendered as may be authorized in writing by the treasurer of the Federation of Agriculture for the county in which the local municipality is situate and shall pay such amounts into the general funds of the local municipality. R.S.O. 1980, c. 302, s. 163.

**162. (1) Yearly estimates and contents.**—The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the municipality, including a sum sufficient to pay all debts of the corporation falling due within the year and any amounts required to be raised for sinking funds, and including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) **Allowance to be made in estimates.**—In preparing the estimates the council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes that it is estimated will not be collected during the year and for such reserves as the council considers necessary.

(3) **Rating by-laws.**—One by-law or several by-laws for levying the rates may be passed as the council considers expedient.

(4) **Form of estimates.**—The Ministry may prescribe the form of estimates to be prepared by the council and may from time to time vary the same.

(5) **Yearly estimates from other boards, etc.**—The council may by by-law require that the estimates for the current year of every board, commission or other body for which the council is by law required to levy any rate or provide money shall be submitted to the council on or before the 1st day of March in each year, and that such estimates shall be in the form and give the particulars that the by-law prescribes. R.S.O. 1980, c. 302, s. 164.



**163. (1) Reserve funds.**—Every municipality as defined in the *Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, but if the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

(2) **Investments and income.**—The money raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such money form part of the reserve fund.

(3) **Consolidated account.**—The council may by by-law provide that, instead of a separate account being kept for each reserve fund, a consolidated account may be kept in which there may be deposited the money raised for all reserve funds established under this section but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.

(4) **Expenditure of reserve fund money.**—The council may by by-law provide that the money raised for a reserve fund established under subsection (1) may be spent, pledged or applied to a purpose other than that for which the fund was established.

(5) **Auditor to report on reserve funds.**—The auditor in the annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1980, c. 302, s. 165.

**164. (1) Contributions re expenses incurred by corporation re proposed subdivision of land.**—Where a contribution is received by a municipal corporation in consideration of the expense incurred or to be incurred by the corporation as a result of a proposed subdivision of land, such contribution shall be used only to meet expenditures for work done within the subdivision or for the benefit or use of the occupiers or subsequent occupiers of the land within the subdivision or to meet expenditures incurred wholly or in part by reason of the subdivision of such land and, where a contribution is made for a specific purpose, it may be used only to meet expenditures for such purpose.

(2) **Special account.**—Such contributions shall be paid into a special account, and subsections 163(2) and (3) apply with necessary modifications thereto.

(3) **Use for other purposes.**—Despite subsection (1), if any of the contributions referred to in subsection (1) are not required or likely to be required for the purposes mentioned in subsection (1), they may be spent for some other purpose. R.S.O. 1980, c. 302, s. 166.

**165. (1) If the amount collected falls short.**—Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them.



(2) **When sums collected exceed estimate.**—Where the amount collected exceeds the estimates, the surplus forms part of the general funds and is at the disposal of the council, unless otherwise specially appropriated. R.S.O. 1980, c. 302, s. 167.

**166. Rates to be due on January 1st.**—The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. R.S.O. 1980, c. 302, s. 168.

## PART XII FINANCES

### ACCOUNTS AND INVESTMENTS

**167. (1) Definition.**—For the purposes of this section, “municipality” includes a metropolitan, regional or district municipality. (“municipalité”) R.S.O. 1980, c. 302, s. 169(1).

(2) **Investment of money not immediately required.**—Where a municipality has money not required immediately by the municipality, such money may be,

(a) invested in,

- (i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,
- (ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust corporation or loan corporation that is registered under the *Loan and Trust Corporations Act*,
- (iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any bank listed in Schedule I or II to the *Bank Act* (Canada),
- (iv) promissory notes of a metropolitan, regional or district municipality, or of a municipality as defined in the *Municipal Affairs Act*, or of a conservation authority established under the *Conservation Authorities Act*,
- (v) term deposits accepted by a credit union as defined in the *Credit Unions and Caisses Populaires Act*; or

(b) advanced to the capital account of the municipality for the purpose of interim financing of capital undertakings of the municipality,

but the investments or advances to the capital account become due and payable by the day on which the money is required by the municipality, and all interest thereon shall be credited to the fund from which the money is invested or advanced. R.S.O. 1980, c. 302, s. 169(2); 1982, c. 24, s. 8.

**168. (1) Application of proceeds of debentures.**—Subject to subsections (3) and (4), money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the municipality. R.S.O. 1980, c. 302, s. 170(1).

(2) **Idem.**—Despite subsection (1) and section 175, where a local municipality has money received from the sale of debentures that are not required immediately for the purpose or purposes for which the debentures were issued, such money may be invested in the general fund of the municipality, but such money shall be returned to the debenture account,

- (a) by the day on which the money is required for the purpose or purposes for which the debentures were issued; or
- (b) not later than the 31st day of December of the year in which the money was so invested,

whichever occurs first and interest shall be credited to the debenture account on the amount so invested, at a rate equal to the rate currently applicable to the temporary borrowings of the municipality. R.S.O. 1980, c. 302, s. 170(2); 1982, c. 50, s. 20.

(3) **Application of surplus funds raised in debentures.**—Subject to subsection (4), when the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows:

1. Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.
2. Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by paragraph 1, the amount or the balance, as the case may be, shall be applied on the annual payments of principal and interest on the debentures until the amount or the balance, as the case may be, has all been so applied, and the levies required for such purpose shall be reduced accordingly.

(4) **Application of amounts not required for purposes of debentures.**— Where the whole or any part of the amount realized from the sale or hypothecation of any debentures is not required for the purpose or purposes for which the debentures were issued, it may be applied to buy back the debentures or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which if raised by taxation would be raised by taxation levied upon the assessment of the same class of ratepayers as would have been levied upon to meet the debt charges if the amount had been spent for the purpose or purposes for which the debentures were issued.

(5) **Use of proceeds of sale of property acquired from proceeds of sale of debentures.**—Where real or personal property acquired with all or part of the proceeds of the sale of debentures is sold while any part of the debentures remains outstanding, the net proceeds of the sale, to the extent of the amount of principal and interest then outstanding on such debentures, shall be applied in accordance with subsections (3) and (4). R.S.O. 1980, c. 302, s. 170(3-5).

**169. (1) Accounts, how to be kept.**—Every council shall,

- (a) keep a separate account of every debt;
- (b) where the whole of a debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal, distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for the payment of it.

(2) **Consolidated interest account.**—The council of a city may by by-law provide and direct that, instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

(3) **Consolidated sinking fund account.**—The council of a city may by by-law provide that, instead of a separate bank account being kept for the sinking fund of every debt that is to be paid by means of a sinking fund, a consolidated bank account may be kept in which there may be deposited the sinking funds of all debts that are to be paid by such means, but which consolidated bank account shall be so kept that the requirements of the sinking fund of every debt are duly provided for. R.S.O. 1980, c. 302, s. 171.

**170. Application of surplus money.**—If, in any year, after paying the interest and appropriating the necessary sum to the sinking fund or in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund or in payment of the principal. R.S.O. 1980, c. 302, s. 172.

**171. Where surplus in sinking fund.**—Despite any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and, despite sections 174 and 175, the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality. R.S.O. 1980, c. 302, s. 173.

**172. Where amount in sinking fund sufficient.**—Despite any general or special Act, when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt. R.S.O. 1980, c. 302, s. 174.

**173. Notice of appointment.**—Notice of an appointment for the hearing by the Municipal Board of an application for approval under section 171 or 172 shall be



given to such persons and in such manner as the Municipal Board may direct. R.S.O. 1980, c. 302, s. 175.

**174. Money levied for a sinking fund not to be diverted.**—No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation. R.S.O. 1980, c. 302, s. 176.

**175. (1) Liability of members for diversion of sinking fund.**—If the council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

(2) **Action by ratepayer.**—If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of all ratepayers.

(3) **Disqualification.**—The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1980, c. 302, s. 177.

**176. (1) Statement of treasurer as to amount required for sinking fund.**—The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose. R.S.O. 1980, c. 302, s. 178(1).

(2) **Offence.**—Every treasurer who contravenes subsection (1) is guilty of an offence. 1982, c. 50, s. 21.

**177. Penalty where council neglects to levy for sinking fund.**—If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council is disqualified from holding any municipal office for two years, unless the member shows that he or she made reasonable efforts to procure the levying of such amount. R.S.O. 1980, c. 302, s. 179.

### COMMISSION OF INQUIRY

**178. (1) Commission of inquiry.**—The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of any municipality, or local board thereof, and any matter connected therewith, and the commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1980, c. 302, s. 180(1).

(2) **When commission may issue.**—A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of a council or of not less than fifty electors of the municipality. R.S.O. 1980, c. 302, s. 180(2); 1989, c. 11, s. 4.

(3) **Expenses of commission.**—The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality. R.S.O. 1980, c. 302, s. 180(3).



DEBENTURES

**179. (1) Debentures, how to be executed.**—Subject to subsection (3), a debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council or by some other person authorized by by-law to sign it, and by the treasurer.

(2) **Execution of coupons.**—A debenture may have coupons for the interest attached to it, which shall be signed by the treasurer and his or her signature to them may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

(3) **Execution of debentures.**—The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

(4) **Full amount of debentures sold at a discount recoverable.**—A debenture may be made payable to bearer or to a named person or bearer and the full amount of it is recoverable despite its negotiation by the corporation at a discount.

(5) **Signature to debentures.**—Any debenture heretofore or hereafter issued is sufficiently signed by the head of the council if it bears the signature, as provided in this section, of the person who was the head of the council either at the date of the debenture or at the time when it was issued. R.S.O. 1980, c. 302, s. 181.

**180. Debentures on which payment has been made for one year to be valid.**—Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the corporation, the by-law and the debentures issued under it are valid and binding upon the corporation. R.S.O. 1980, c. 302, s. 182.

**181. (1) Mode of transfer may be prescribed.**—Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this corporation, transferable, except by entry by the treasurer in the debenture registry book of the Corporation at the ..... of .....

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be known as the debenture registry book, a copy of the certificate and of every certificate that is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

(2) **Requirements as to endorsing certificate of ownership.**—A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or an executor or administrators of that person or the attorney of any of them, which authority shall be retained and filed by the treasurer. R.S.O. 1980, c. 302, s. 183(1, 2).

(3) **Transfer by entry in registry book.**—After a certificate of ownership has been endorsed, the debenture is transferable only by entry by the treasurer in the debenture registry book when a transfer of the debenture is authorized under subsection (2). R.S.O. 1980, c. 302, s. 183(3), *revised*.

(4) **Registration of debenture as to principal and interest.**—A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

(5) **When debenture registry book may be maintained outside Canada.**—Where debentures are payable in a currency other than that of Canada, the council may provide that the debenture registry book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council considers appropriate. R.S.O. 1980, c. 302, s. 183(4, 5).

**182. Replacement of lost debentures.**—Where a debenture is defaced, lost or destroyed, the council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1980, c. 302, s. 184.

**183. (1) Borrowing by hypothecation of debentures.**—A council, pending the sale of a debenture, or in lieu of selling it, may by by-law or resolution authorize the head and treasurer to raise money by way of loan on the debenture and to hypothecate it for the loan.

(2) **Application of proceeds of loan.**—The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds, and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan.

(3) **Hypothecation not to prevent subsequent sale of debentures.**—Subject to subsection (2), the redemption of a debenture heretofore or hereafter hypothecated shall not be deemed to have prevented and does not prevent the subsequent sale thereof. R.S.O. 1980, c. 302, s. 185.

**184. (1) Debentures, etc., not to be for less sums than \$50.**—Subject to subsection (2), a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of an amount less than \$50, and any such bond, bill, note or debenture is void.

(2) **Proviso as to debentures issued for sums that include principal and interest.**—A debenture issued under the authority of any by-law providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an annual sum of not less than \$50, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$50 within the meaning of this section, and all debentures so issued under such a by-law and otherwise legal are valid. R.S.O. 1980, c. 302, s. 186.

**185. (1) Where debentures sold at premium.**—Where on the sale of the whole or any part of an issue of debentures a premium is derived and money in addition to the principal sum of the debentures are required for the purpose or purposes for

which the debentures were issued, the premium shall be applied to such purpose or purposes.

(2) **Idem.**—Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows:

1. Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.
2. Where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by paragraph 1, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly.

(3) **Deficit on sale of debentures.**—Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of the debenture issue, the amount of the deficit or the part so required,

- (a) shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures and the levy made in the first year for such purpose; or
- (b) shall be added in equal portions to the sum to be levied for the annual payment of principal and interest on the debentures in each year commencing with the first year in which such levy is made and annually thereafter over such period of years not exceeding five years in all as may be approved by the Municipal Board,

and the levy made in each of such years shall be increased accordingly. R.S.O. 1980, c. 302, s. 187.

**186. Tenders for debentures.**—When a municipal corporation intends to borrow money on debentures under this or any other Act, the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1980, c. 302, s. 188.

## TEMPORARY LOANS

**187. (1) Current borrowings.**—A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note or bankers' acceptance such sums as the council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide. 1988, c. 31, s. 6(1).

(2) **Limit at any one time.**—The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with the total of any similar



borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

(3) **Treasurer to furnish lender with copy of by-law, etc.**—At the time that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the by-law authorizing the borrowing and a statement showing the nature and amount of the estimated revenues of the current year not yet collected or, where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed under this section that have not been repaid.

(4) **Temporary application of estimates of preceding year.**—Until such estimates are adopted, the limitations upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year.

(5) **Lender not bound to establish necessity, etc.**—The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. R.S.O. 1980, c. 302, s. 189(2-5).

(6) **Execution of borrowing instruments.**—A promissory note or bankers' acceptance made under the authority of this section shall be signed by the treasurer and by the head of the council or by some other person authorized by by-law to sign it.

(7) **Idem.**—The signature of the head of the council to all promissory notes or bankers' acceptances may be written, engraved, lithographed, printed or otherwise mechanically reproduced and, if such promissory notes or bankers' acceptances are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, engraved, lithographed, printed or otherwise mechanically reproduced. 1988, c. 31, s. 6(2).

(8) **Creation of charge.**—The council may by by-law provide or authorize the head and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the corporation for the current year and for any preceding years as and when such revenues are received but such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. R.S.O. 1980, c. 302, s. 189(7).

(9) **Execution of agreements.**—Any agreement entered into under subsection (8) shall be signed by the head and treasurer. R.S.O. 1980, c. 302, s. 189(8); 1988, c. 31, s. 6(3).

(10) **Penalty for excess borrowings.**—If the council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(11) **Penalty for misapplication of revenues by council.**—If the council authorizes the application of any revenues of the corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the



members who vote for such application are personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

(12) **Penalty for misapplication of revenues by officials.**—Any member of the council or officer of the corporation who applies any revenues so charged otherwise than in repayment of the loan secured by such charge is personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

(13) **Saving clauses as to penalties.**—Subsections (10), (11) and (12) do not apply,

(a) to a council or any member of a council or officer of a corporation acting under an order or direction issued or made under the authority of Part III of the *Municipal Affairs Act*, or

(b) in any case where application of the revenues of the corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1980, c. 302, s. 189(9-12).

(14) **Deeming provision.**—Where a municipality raises money by means of a bankers' acceptance, the municipality shall be deemed to be borrowing money.

(15) **Bankers' acceptance.**—A bankers' acceptance authorized under this section,

(a) shall be drawn as a bill of exchange under the *Bills of Exchange Act* (Canada);

(b) shall be accepted by a bank to which the *Bank Act* (Canada) applies; and

(c) may be discounted.

(16) **Interest on promissory note.**—A promissory note authorized under this section may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. 1988, c. 31, s. 6(4).

**188. Temporary advances.**—Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred, up to the total of the amount of the debentures authorized by the Municipal Board and any further amount that has been authorized by the Municipal Board. R.S.O. 1980, c. 302, s. 190.

**189. Power to borrow to meet guarantee of debentures.**—When a corporation guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of the corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality or, where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. R.S.O. 1980, c. 302, s. 191.

### PART XIII ACQUISITION OF LAND AND COMPENSATION

#### LAND TAKEN OR INJURIOUSLY AFFECTED

**190. Definitions.**—In this Part,

“expropriation” means taking without the consent of the owner, and “expropriate” and “expropriating” have corresponding meanings; (“expropriation”, “expropriation”, “expropriation”)

“owner” includes a mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator, and a guardian. (“propriétaire”) R.S.O. 1980, c. 302, s. 192, *revised*.

**191. (1) Power to acquire or expropriate land.**—The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required.

(2) **Lease.**—Without limiting the generality of this section, in subsection (1) “otherwise dispose of” shall be deemed to include and to have always included a lease.

(3) **Taking more land than required.**—Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required.

(4) **Land to be described in by-law, etc.**—A by-law for entering on or expropriating land shall contain a description of the land and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated.

(5) **Power to expropriate land of another municipality.**—A municipality as defined in the *Municipal Affairs Act*, including The Municipality of Metropolitan Toronto, that has authority to expropriate land may, with the approval of the Municipal Board, exercise this authority in respect of the land of another such municipality.

(6) **Use of lands owned by corporation.**—The council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands. R.S.O. 1980, c. 302, s. 193.

**192. (1) Power to use excess land by way of compensation to owners.**—Any land acquired or taken by a corporation in the exercise of the powers conferred by any general or special Act in excess of the land actually required for the opening, widening, extension or straightening of a highway may be used in or towards making

compensation by way of restitution to the owner of other land taken for or in connection with the work, and the corporation may lawfully exercise such powers in pursuance of an agreement to that effect with such owner or with a view to making or proposing to make such an agreement.

(2) **Offer to transfer excess land by way of compensation to be considered in award, award to be binding.**—If in any proceeding to fix compensation for land taken by it the corporation offers to transfer or assure additional or other land to the owner by way of enlarging the remainder of the owner's parcel or in substitution for that parcel, such offer shall be taken into account and dealt with in the award and, if the award is based on such transfer being made, the offer is binding on the corporation in the terms fixed by the award, subject to any right of appeal, and the offer and final award together constitute an agreement between the parties, and the owner is entitled to have such additional or substituted land dealt with in accordance therewith.

(3) **Power of Municipal Board to order performance of agreement.**—In such case, upon the application of the corporation or of an interested party, the Municipal Board may make such orders to compel the taking by the corporation of such additional land for the purposes of the agreement and as to the vesting of the title to the land in accordance with the agreement as may be necessary to protect and enforce the rights of all parties interested. R.S.O. 1980, c. 302, s. 194.

**193. Sale of land by council, when not to be open to question.**—The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation that the council may lawfully sell, shall be sold, is not open to question, review, or control by any court, if the purchaser is a person who may lawfully buy and the council acted in good faith. R.S.O. 1980, c. 302, s. 195.

**194. (1) Definitions.**—In this section,

“municipal public utility” means a public utility owned and operated by a municipality; (“service public municipal”)

“municipal public utility easement” means an easement of a municipality in respect of a municipal public utility; (“servitude d'un service public municipal”)

“municipality” includes a regional, metropolitan or district municipality, the County of Oxford and a local board within the meaning of the *Municipal Affairs Act*; (“municipalité”)

“public utility” means a water works or water supply system, sewage works, steam or hot water distribution system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, or a transportation system. (“service public”)

(2) **Dominant tenement.**—A municipal public utility easement does not have to be appurtenant or annexed to or for the benefit of any specific parcel of land to be valid.

(3) **Restriction.**—Part III of the *Registry Act* does not apply to a claim of a person in respect of a part of a municipal public utility constructed on land before the 21st day of June, 1990 with the consent or acquiescence of the owner of the land.



(4) **Interference with utilities.**—No person shall interfere with a part of a municipal public utility for which there is no municipal public utility easement unless,

(a) the municipality consents; or

(b) the interference is authorized by a court order under this section. 1990, c. 4, s. 2, *part*.

(5) **Court orders with respect to utilities.**—The Ontario Court (General Division) may make an order authorizing interference with a part of a municipal public utility on the application of a person who has an interest in the land where the part is located if the use of the land by the person is substantially affected. 1990, c. 4, s. 2, *part, revised*.

(6) **Notice.**—A person making an application for an order under subsection (5) in respect of a part of a municipal public utility shall give the municipality ninety days notice of the application or such other notice as the court may direct.

(7) **Other orders.**—In making an order under subsection (5), the court may make such other orders as it considers necessary including an order that the applicant provide an easement for the alternative location of the public utility for such compensation as the court may determine.

(8) **Stay of orders.**—The court shall stay an order under subsection (5) at the request of the municipality for such time as the court determines to allow the municipality to acquire an interest in land to accommodate the part of its public utility that is subject to the order.

(9) **Right to repair utilities.**—Subject to any court order under this section, a municipality may enter upon any land to repair and maintain its public utilities.

(10) **Utilities located by mistake.**—If, before the 21st day of June, 1990 a municipality located a part of a municipal public utility where it had no right to do so in the mistaken belief that the part was being located on a municipal road allowance, the municipality that owns and operates the utility shall be deemed to have an easement in respect of the utility and the owner of the land on which the part is located shall be entitled to compensation for the easement determined in accordance with the *Expropriations Act*.

(11) **Offence.**—Every person who knowingly contravenes subsection (4) is guilty of an offence. 1990, c. 4, s. 2, *part*.

#### DEFERRED WIDENING, ETC., OF HIGHWAY

**195. (1) Definition.**—In this section, “highway” includes “street” as defined in the *Local Improvement Act*. (“voie publique”)

(2) **By-law may fix future date for widening, etc.**—A by-law of the council of a local municipality for establishing or laying out, or for extending, widening or diverting, a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three and not more than ten years after the date of the passing of the by-law. R.S.O. 1980, c. 302, s. 196(1, 2).

(3) **Entry deferred accordingly.**—Subject to subsection (8), the corporation shall not enter on any land required to be taken before the day named in such by-law



unless by leave of a judge of the Ontario Court (General Division) or by order of the Municipal Board made as hereinafter provided. R.S.O. 1980, c. 302, s. 196(3), *revised*.

(4) **By-law not to be repealed except with leave of Municipal Board.**—The by-law shall be binding upon the corporation and shall not be repealed or altered except with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by the owner in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and the owner's costs.

(5) **Registration of plan in advance.**—Where the council proposes to pass a by-law under this section, it may register in the proper land registry office a draft plan of the contemplated work with any supplementary memorandum that may be needed to show its substantial features and to furnish adequate local description to comply with the *Registry Act* and the land registrar shall enter the same on the abstract index for each parcel of land required to be taken; but, if the by-law is not passed within six months after such registration, the registration shall be deemed of no effect and the corporation shall forthwith cause a certificate signed by the mayor or reeve and clerk and sealed with the corporation's seal, stating that no by-law was passed, to be registered in like manner in the land registry office.

(6) **Land taken shall vest at once in corporation on conditions.**—After the passing of the by-law and subject to any order made by the Municipal Board under subsection (4), the land required to be taken for the work shall be deemed to be vested in the corporation for the purposes of a highway subject to the right of the owner or the owner's assigns to remain in the possession and enjoyment thereof without impeachment of waste either wanton or permissive until entry by the corporation as aforesaid and to utilize the land and to erect buildings thereon during the occupancy (subject to subsections (13) to (17) as to compensation in respect of such buildings).

(7) **Assessment of land when vested.**—After the land is vested in the corporation, it shall for all purposes of assessment and taxation, whether under such by-law or otherwise, be deemed to be a component part of the highway; but, where a building stands partly on land taken for the work and partly on adjoining land, it shall be assessed on the assessment roll of the municipality in the same manner as if it stood entirely on such adjoining land.

(8) **Application by corporation to Municipal Board to further defer entry.**—Where it is shown to the satisfaction of the Municipal Board upon application made by the corporation before the day fixed for entry by the by-law that in view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year and not more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the by-law and the order of the Municipal Board shall not exceed ten years, upon such terms and conditions as the Board considers proper, and upon such

order being made the day fixed by the Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry.

(9) **Corporation to enter at date named.**—At the date named in the by-law for entry, it is the duty of the corporation to enter and proceed with diligence and dispatch to remove all buildings and obstructions from the land taken for the work and to put it in fit and proper condition and make it available for use as a highway. R.S.O. 1980, c. 302, s. 196(4-9).

(10) **Subsequent by-law for undertaking work as a local improvement.**—The by-law may be passed without regard to the *Local Improvement Act* and shall express the intention of the council as to the corporation's portion of the cost thereunder, and the council may thereafter by a majority vote pass a by-law for undertaking the work as a local improvement and such by-law has the same force and effect as if passed under section 8 of the *Local Improvement Act* and that Act applies thereafter to such work with necessary modifications and the owners of the lots liable to be specially assessed thereunder have all the rights and remedies in relation thereto that are given them by such Act so far as they are not inconsistent with the other provisions of this section, but the Municipal Board has no power under section 6 or 8 of such Act, either by making an order or by withholding its approval to prevent the due carrying out of the work. R.S.O. 1980, c. 302, s. 196(10); 1982, c. 50, s. 22.

(11) **Compensation, when payable.**—Except as may be otherwise ordered by the Municipal Board under subsection (18), compensation payable under this section does not become payable until the day fixed in the by-law for entry. R.S.O. 1980, c. 302, s. 196(11); 1989, c. 11, s. 5(1).

(12) **Limitations as to compensation.**—The compensation shall be limited to,

- (a) the market value of the land itself exclusive of and without regard to any buildings or improvements thereon;
- (b) the value of the buildings and improvements;
- (c) damages occasioned by disturbance to any business established previous to the passing of the by-law to which the general principles of compensation apply;
- (d) damages to land, buildings and improvements injuriously affected by the exercise of any of the powers conferred by this section.

(13) **Definition.**—In subsections (14) and (15), "land" means the land itself exclusive of and without regard to any buildings or improvements thereon. ("bien-fonds")

(14) **Fixing compensation for land apart from buildings.**—Although entry is deferred, the corporation or the owner may proceed at once after the passing of the by-law to determine or have determined the compensation, if any, payable hereunder in respect of any land.

(15) **Value.**—The value of the land shall be fixed as of the date of the registration of the draft plan or, if no plan is registered, as of the date of the passing of the by-law.

(16) **Fixing compensation for buildings.**—Compensation shall be allowed in respect of buildings and improvements as they may exist at the date fixed for entry.

(17) **As to buildings erected after passing of by-law.**—In respect to buildings or improvements erected or made after the date of the registration of the draft plan of the work or, if no plan is registered, after the date of the passing of the by-law, the compensation or damages shall be allowed and payable to the extent only of three-quarters of the proper cost of a structure one storey in height of such temporary character, conformable to the existing building by-laws and regulations, as may be reasonable in view of the limited time that is to elapse before entry. R.S.O. 1980, c. 302, s. 196(12-17).

(18) **Relief in special cases.**—The Municipal Board may make an order at any time granting relief,

- (a) where part of an owner's lot is taken for the work and special circumstances exist in the matter of the location, size or shape of the lot that render it inequitable and unjust that the compensation to be allowed for buildings or improvements to be thereafter erected thereon should be limited as provided in subsections (16) and (17); and
- (b) where the work is deferred until a day more than five years after the date of the passing of the by-law and the whole of the owner's lot is taken or so much of it as to render the remainder, by reason of its size or shape, unfit for building purposes. R.S.O. 1980, c. 302, s. 196(18), *part*; 1989, c. 11, s. 5(2), *revised*.

(19) **Idem.**—The Board may,

- (a) in relation to clause (18)(a), approve of plans and specifications for appropriate buildings or improvements and fix the basis of compensation to be made therefor;
- (b) in relation to clause (18)(b), direct the corporation to enter and make compensation to the owner at an earlier day than the day named in the by-law or to make an immediate or periodical payment to the owner to compensate for the delay; or
- (c) in relation to either clause (18)(a) or (b), make such further or other order as may be required to afford due compensation to the owner for the exceptional and peculiar damage the owner would suffer by reason of the special circumstances affecting the lot. R.S.O. 1980, c. 302, s. 196(18), *part, revised*.

(20) **Temporary advances.**—The council may agree with any bank or person for temporary advances to meet any costs or liabilities incurred under the by-law prior to the completion of the work. R.S.O. 1980, c. 320, s. 196(19).

**196. (1) Prescription of building line.**—The council of a local municipality, as a preliminary step to the widening of a highway or any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law.

(2) **Approval of Municipal Board.**—A by-law under subsection (1) shall not come into force until it is approved by the Municipal Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine.



(3) **Notice.**—The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section.

(4) **Maximum building line.**—The building line fixed by the by-law shall not be distant more than six metres from the limit of the highway.

(5) **Exceptions.**—Despite subsection (4), for the purpose of carrying out an official plan in effect under the *Planning Act* or for the purpose of improving the appearance or utility of the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than six metres from the limit of the highway in respect of any part or parts of the highway.

(6) **Building line need not be uniform.**—The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed.

(7) **Exceptions from operation of by-law.**—A by-law passed under subsection (1) shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

(8) **Compulsory acquisition of land.**—After the by-law has been passed and approved by the Municipal Board,

- (a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or
- (b) if, at any time after the expiration of ten years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

(9) **Board may authorize delay.**—Although the conditions set out in clause (8)(a) have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond ten years from the date of the by-law.

(10) **Conveyance to municipality when land clear.**—Where that part of the land of any owner lying between the limit of the highway and the building line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and is liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway.

(11) **Limitation on compensation.**—In determining the compensation payable by the municipality for the taking of lands for the widening of a portion of a highway in respect of which a building line has been fixed under this section, the municipality



is not liable to pay any compensation for or in respect of any building erected in contravention of the by-law fixing the building line.

(12) **By-law not to give rise to claims.**—Despite this Act or any other Act and except as provided in subsection (10), the municipality is not liable to pay any compensation or damages by reason of having passed a by-law under subsection (1).

(13) **Registration of by-law; plan of work.**—Every by-law under this section, when approved by the Municipal Board, shall be registered in the proper land registry office and when tendered for registration shall have attached thereto a plan or plans and any supplementary memorandum that may be needed to furnish adequate local description to comply with the *Registry Act*, prepared by an Ontario land surveyor and showing the position of the building line in relation to the limit of the highway. R.S.O. 1980, c. 302, s. 197.

## PART XIV ARBITRATIONS

**197. (1) Judge as sole arbitrator.**—Except in cases where there is an official arbitrator, a judge of the Ontario Court (General Division) shall be sole arbitrator. R.S.O. 1980, c. 302, s. 198(1), *revised*.

(2) **Procedures.**—The provisions of the *Municipal Arbitrations Act* as to procedure and appeals apply to arbitrations held and awards made by the judge. R.S.O. 1980, c. 302, s. 198(2).

**198. (1) Municipal Board as arbitrator.**—Despite this Act or any other Act, the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board has and may exercise all the powers and duties of an official arbitrator.

(2) **Procedure.**—Except as provided in subsection (3), the *Ontario Municipal Board Act* applies to proceedings taken before the Municipal Board under this section.

(3) **Appeals.**—The provisions of the *Municipal Arbitrations Act* with respect to appeals apply to awards made by the Municipal Board under this section. R.S.O. 1980, c. 302, s. 199.

## PART XV PROCEEDINGS BY AND AGAINST MUNICIPAL CORPORATIONS

**199. Right to enforce agreements, etc.**—Where a duty, obligation or liability is imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants, of a municipality, or where a contract or agreement is entered into that imposes such a duty, obligation or liability, the corporation has the right to enforce it and to obtain as complete and as full relief and remedy as could be obtained in a proceeding by the Attorney General, or by the Attorney General, as applicant, on the relation of any interested person, or in

a proceeding by such inhabitants or one or more of them, on their own behalf, or on behalf of themselves and of such inhabitants. R.S.O. 1980, c. 302, s. 200, *revised*.

**200. Corporation to be liable for acts done under illegal by-law.**—A proceeding shall not be brought for anything done under a by-law, order or resolution of a council that is invalid, in whole or in part, until one month after the by-law, order or resolution, or so much of it as is invalid, has been quashed or repealed, and every such proceeding shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R.S.O. 1980, c. 302, s. 201, *revised*.

## PART XVI ADMINISTRATION OF JUSTICE

**201. Police office.**—The council of every city and town shall establish and maintain therein a police office. R.S.O. 1980, c. 302, s. 202.

**202. Accommodation, etc., for police office.**—The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for the officers connected with it. R.S.O. 1980, c. 302, s. 203.

**203. Existing county and district towns continued.**—Until otherwise provided by law, the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. R.S.O. 1980, c. 302, s. 204.

**204. Conveyance of prisoners.**—Where the attendance of a prisoner confined in a correctional institution is required at a hearing or proceeding, the municipality maintaining the police force that delivered the prisoner to the correctional institution is responsible for conveying the prisoner from the correctional institution to the place of the hearing or proceeding and for the prisoner's return. R.S.O. 1980, c. 302, s. 205.

**205. (1) Detention facilities.**—Subject to the approval of the Ontario Civilian Commission on Police Services, the council of every local municipality may establish, maintain and regulate detention facilities for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any correctional institution for trial, or in the execution of any sentence, and such persons may be lawfully received and so detained in the detention facilities.

**(2) Joint detention facilities.**—Two or more local municipalities may unite in establishing, maintaining and regulating a detention facility, and such detention facility shall be deemed to be the detention facility of each of them. R.S.O. 1980, c. 302, s. 206.

**206. (1) Constable in charge.**—Every detention facility shall be placed in the charge of a constable appointed for that purpose.

**(2) Salary.**—The council may provide for and pay the salary or other remuneration of the constable in charge of a detention facility. R.S.O. 1980, c. 302, s. 207.

## PART XVII POWERS TO PASS BY-LAWS

**NOTE:** The following s. 207 was amended by 1991, c. 15, s. 5 as s. 208.

**207.** By-laws may be passed by the councils of all municipalities:

### AGREEMENTS AND CONTRACTS

**1. Fire protection agreements.**—For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon, but despite any such agreement no liability accrues to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

**2. Water supply contracts.**—For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be considered advisable, and for renting hydrants for any number of years not, in the first instance, exceeding ten, and for renewing the contract from time to time for periods not exceeding ten years, as the council may consider proper, or for purchasing or erecting hydrants necessary for any of such purposes. R.S.O. 1980, c. 302, s. 208, pars. 1, 2.

**3. Insurance.**—For contracting for insurance, exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act* and for self-insuring, against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor.

- (a) Despite subsections 387(1) and (2) of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under subsection 163(2).
- (b) The money raised for a reserve fund of a municipal reciprocal exchange may be spent, pledged or applied to a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange, agree in writing and if section 386 of the *Insurance Act* is complied with.
- (c) A local board, as defined in the *Municipal Affairs Act*, has the same powers to contract for insurance, to exchange reciprocal contracts of indemnity and to self-insure as are conferred upon the council of a municipality under this paragraph. 1988, c. 31, s. 7(1).

**4. Agreement with adjoining municipality or the owner of any works as to sewage works.**—For entering into agreement with the corporation of an adjoining municipality or with the owner of any sewage works for the use or interchange of any sewage works for the disposal, interception or purification of sewage, and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality or party



to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use. R.S.O. 1980, c. 302, s. 208, par. 4.

**5. Joint operation of works, systems and services.**—For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management thereof.

- (a) Each regional, metropolitan and district municipality and the County of Oxford may make by-laws for the purpose of this paragraph. R.S.O. 1980, c. 302, s. 208, par. 5; 1989, c. 84, s. 3(1).

**6. Joint acquisition and operation of water system, etc.**—For entering into agreement with one or more municipalities for the establishment, acquisition, enlargement or extension of water systems, sewage systems and sewage disposal works to be jointly owned by the municipalities that have entered into agreement and operated for their joint use upon such terms as may be agreed upon.

**7. Contracts for street watering or oiling.**—For entering into agreement with a company, board or commission operating a transportation system in the municipality for watering or oiling any of the highways for any number of years, not exceeding five, and for renewing such agreement from time to time for a period not exceeding five years.

**8. Provision of municipal services to Indian band reserves.**—For entering into agreement with an Indian band for the provision of any municipal service within the limits of the reserve occupied by the band upon such terms as may be agreed.

**9. Providing for determination of disputes under agreements.**—For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Municipal Board as sole arbitrator.

## AIR HARBOURS AND LANDING GROUNDS

**10. Air harbours and landing grounds.**—For establishing, operating, maintaining and improving aerodromes in compliance with the *Air Regulations* (Canada), and for entrusting the control and management of any aerodrome so established to a commission appointed by the council.

- (a) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in any adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing aerodrome in any municipality or in territory without municipal organization.

## ASSOCIATIONS

**11. Officers becoming members of municipal associations.**—For any of the elected or appointed officers of the corporation becoming members of any municipal



union or association or any other association for extending and improving the technical skill of such officers in the discharge of their municipal duties and for paying the whole or part of the fees for such membership and for paying the expenses of such officers attending any meeting of the association or upon its business.

**12. Membership in associations.**—For the corporation becoming a member of or for appointing a representative to the membership of any association or organization where in the opinion of council it would be in the interests of the municipality to do so, and for paying the fees for such membership and for paying the expenses of delegates or representatives to any meeting of the association or organization or upon its business and for making contributions for the expenses of the association or organization.

### DRAINAGE AND FLOODS

**13. Construction of drains, sewers, sewage disposal works, etc.**—For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or watercourses; for constructing, maintaining, repairing and improving dams; for providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; for making all necessary connections therewith, and for acquiring land in or adjacent to the municipality for any of such purposes.

- (a) Before passing a by-law under this paragraph, the council may direct that an engineer's report, with or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof that in the opinion of council derives special benefit therefrom.
- (b) The cost of such construction, maintaining, improving, repairing, widening, altering, diverting, stopping up and acquisition may be levied against all rateable property in the municipality or in a defined area thereof that in the opinion of council derives special benefit therefrom.

**14. Works for prevention of damage by flooding.**—For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be considered necessary for that purpose, and for deepening, widening, straightening or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water.

**15. Agreements to prevent damage by floods.**—For entering into agreement with Her Majesty in right of Ontario and for entering into agreement with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any land and premises in the municipality or in any other municipality for the purpose of preventing damage by floods and for doing all such things as may be considered necessary for that purpose.

- (a) Such land and premises shall be used and disposed of as directed by the Lieutenant Governor in Council.

- (b) For the purposes of the *Assessment Act*, such land and premises shall be deemed a public park.

16. **Obstruction of drains.**—For prohibiting the obstruction of any drain or watercourse and for requiring the person causing the obstruction to remove it.

17. **Construction of culverts, etc., crossing drains.**—For permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under the jurisdiction of the municipality.

#### EXHIBITIONS, ETC.

18. **Acquiring land for agricultural exhibitions, etc.**—For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

19. **Public fairs.**—For regulating and governing public fairs.

20. **Power to lease.**—For leasing for any period, not exceeding three years from the making of the lease, any part of the land acquired under paragraph 18, that is not immediately required for the purposes for which it was acquired.

#### GENERAL

21. **Census.**—For taking a census of the inhabitants.

22. **Expenditures for publicity.**—For providing for disseminating information respecting the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre.

- (a) The power conferred by this section may be exercised jointly by two or more municipalities. R.S.O. 1980, c. 302, s. 208, pars. 6-22.

23. **Agreements respecting use of employees and equipment.**—For providing for the use by any person of any of the employees or mechanical equipment of the municipality and for fixing the terms, conditions and charges therefor. 1982, c. 24, s. 9(1).

24. **Things of historical interest.**—For providing for keeping in the custody of the municipality things of historical value or interest donated or loaned to the municipality and for entering into agreements with the donor or lender for the keeping of such things.

- (a) Section 74 does not apply to records, books, accounts and documents in the custody of a municipality pursuant to an agreement under this paragraph where the agreement contains provisions respecting the access of the public to such things.
- (b) Despite clause (a) or the terms of the agreement, section 74 applies where an agreement under this paragraph is made with a person who at the time of executing the agreement was an employee or a member of the council of the municipality. R.S.O. 1980, c. 302, s. 208, par. 24.

**25. Submission of questions of general policy to electors.**—For submitting to the vote of the electors any municipal question not specifically authorized by law to be submitted. R.S.O. 1980, c. 302, s. 208, par. 25; 1982, c. 50, s. 23(1).

**26. Licensing, etc., dry cleaners, etc.**—For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing any person using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods that have been subjected to any such process; for authorizing the architect or other person named in the by-laws to allow such variation from the standard requirements in the case of any existing business as he or she may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

(a) Where the council of a town, village or township has passed a by-law under this section, the by-law of the county is not in force in the town, village or township while the by-law of the town, village or township remains in force.

**27. Public bathing houses.**—For establishing and maintaining public bathing houses. R.S.O. 1980, c. 302, s. 208, pars. 26, 27.

**28. Community programs.**—For carrying on any community or joint community program of recreation within the meaning of the regulations under the *Ministry of Tourism and Recreation Act*, and for spending money for such purposes. R.S.O. 1980, c. 302, s. 208, par. 28; 1989, c. 11, s. 6.

**29.** [*Repealed* 1991, c. 15, s. 5.]

**30. Rewards.**—For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location or return of missing persons and property.

#### HARBOURS, WHARVES, ETC.

**31. Making, etc., of wharves, docks, etc.**—For making, improving and maintaining public wharves, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof.

**32. Regulating harbours.**—For regulating harbours.

**33. Injuring, filling up, etc., of harbours, wharves.**—For prohibiting the injuring, fouling, filling up or encumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water.

**34. Beacons.**—For erecting and maintaining beacons.

**35. Erecting and regulating use of docks, etc.**—For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or



repairing vessels, and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time.

36. **Vessels, harbour dues, etc.**—For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order and to pay a harbour master.

37. **Removal of door-steps, railings, projecting over wharf, dock, etc.**—For requiring the owner or occupant of the land, in connection with which the same exist, to remove door-steps, porches, railings or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water.

38. **Removal of sunken vessels, etc., from harbours, etc.**—For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, crafts, cribs, rafts, logs or other obstructions or encumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

## HIGHWAYS AND BRIDGES

39. **Regulating driving on roads and bridges.**—For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

40. **Prohibiting racing on highways.**—For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges.

41. **Laying of pipes for petroleum, etc.**—Despite any other Act, for laying or maintaining, or for authorizing any person to lay, use or maintain, pipes or conduits for transmitting gasoline, petroleum or petroleum products, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council considers reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes. R.S.O. 1980, c. 302, s. 208, pars. 29-41.

42. **Prohibiting vehicles on sidewalks, etc.**—For prohibiting carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon, any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-lot, garden or other place set



apart for ornament or embellishment or for public recreation. R.S.O. 1980, c. 302, s. 208, par. 42; 1982, c. 24, s. 9(2).

**43. Temporary closing of highway for repairs, etc.**—For closing temporarily any highway or portion of a highway under the jurisdiction of the municipality for any period during the construction, repairing or improvement of such highway or portion thereof or of any works under, over, along, across or upon such highway or portion thereof and for authorizing a committee of council or a municipal officer or employee, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph.

- (a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.
- (b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.
- (c) Every person who uses a highway or portion of a highway so closed to traffic does so at their own risk and the municipality having jurisdiction over the highway is not liable for any damage sustained by a person using the highway or portion thereof so closed to traffic.
- (d) Every person who without lawful authority uses a highway or portion thereof so closed to traffic while it is protected in accordance with this paragraph, or who removes or defaces any barricade, device, detour sign or notice placed thereon by lawful authority, is guilty of an offence and is also liable to the municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1980, c. 302, s. 208, par. 43; 1982, c. 50, s. 23(2); 1988, c. 31, s. 7(2).

**44. Temporary closing of highway.**—For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law, any highway under the jurisdiction of the council for such social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, as may be specified in the by-law and for authorizing a committee of council or a municipal officer or employee, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph.

- (a) Clauses (a) and (b) of paragraph 43 apply with necessary modifications to every municipality where the council of the municipality has passed a by-law under this paragraph.
- (b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a permit issued under the by-law upon such terms and conditions, including such fee for the permit, as may be set out in the by-law. R.S.O. 1980, c. 302, s. 208, par. 44; 1988, c. 31, s. 7(3).

## MUNICIPAL EMPLOYEES

45. **Appointing certain officers.**—For appointing such officers and employees as may be necessary for the purposes of the corporation, or for carrying into effect any Act of the Legislature or by-law of the council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them. R.S.O. 1980, c. 302, s. 208, par. 45.

46. **Pensions.**—Subject to such limitations and restrictions as the Lieutenant Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof and their widows or widowers and children and for increasing the amount of pensions for or in respect of retired employees or any class thereof and their widows or widowers and children.

(a) **Definitions.**—In this paragraph,

“employee” means any salaried officer or any other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister; (“employé”)

“local board” includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, police services board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof but does not include a hospital established under any general or special Act and operated by municipal corporation; (“counsel local”)

“retired employee” means a person who was formerly an employee of a municipality or of a local board and to whom or in respect of whom a pension is being paid under an approved pension plan as defined in section 117 or under the Ontario Municipal Employees Retirement System. (“employé à la retraite”)

- (b) **Payments to be deemed current expenditures.**—Payments made under this paragraph or under the *Ontario Municipal Employees Retirement System Act* with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years and payments with respect to past service and future service shall be deemed to be current expenditures.
- (c) **Payments to be deducted from salary, etc.**—The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable the amount that such employee is required to pay in accordance with the provisions of the plan that provides a pension for such employee.
- (d) **Payments by local board to municipality.**—Where any employee of a local board is a member of a pension plan provided by a municipality, the local board shall pay to the treasurer of the municipality the payments and deductions made for past and future service of such employee.

- (e) **Municipalities may agree to provide pensions.**—Any two or more municipalities may provide by agreement for pensions for employees or any class thereof, and in such case this paragraph applies with necessary modifications and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.
- (f) **Local boards may provide pensions.**—Any local board may provide pensions for employees or any class thereof and this paragraph applies with necessary modifications thereto. R.S.O. 1980, c. 302, s. 208, par. 46; 1987, c. 10, s. 20(1).

**47. Sick leave credit gratuities.**—For establishing a plan of sick leave credit gratuities for employees or any class thereof provided that on the termination of employment no employee is entitled to more than an amount equal to the salary, wages or other remuneration for one-half the number of days standing to his or her credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him or her immediately prior to termination of employment.

- (a) **Definition.**—In this paragraph, “employee” means an employee as defined in paragraph 46. (“employé”)
- (b) **Allowing of credits on transfer of employment.**—A by-law passed under this paragraph may provide, upon such terms and conditions as may be prescribed, for placing to the credit of an employee formerly employed by another municipality or local board which had established a sick leave credit plan under this or any other general or special Act the whole or any part of the sick leave credits standing to the credit of the employee in the plan of the municipality or local board formerly employing the employee.
- (c) **Local boards.**—Any local board, except a school board, may establish a plan of sick leave credit gratuities for employees or any class thereof, and this paragraph applies with necessary modifications thereto. R.S.O. 1980, c. 302, s. 208, par. 47.

**48. Insurance, hospitalization, etc.**—Subject to the *Health Insurance Act*, for providing by contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*,

- i. group life insurance for employees or retired employees or any class or classes thereof,
- ii. group accident insurance or group sickness insurance for employees or retired employees or any class or classes thereof and their spouses and children, and
- iii. hospital, medical, surgical, nursing or dental services or payment therefor for employees or retired employees or any class or classes thereof and their spouses and children,

and for paying the whole or part of the cost thereof.

- (a) **Definitions.**—In this paragraph,

“employee” means an employee as defined in paragraph 46; (“employé”)  
and

“retired employee” means a person who was formerly an employee of the municipality or of a local board or who was formerly a member of



the police force of the municipality, and person or class of person designated as an employee by the Minister. ("employé à la retraite")

- (b) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and this paragraph applies with necessary modifications thereto.

**49. Contributions to health plans.**—For paying the whole or part of the cost to employees or retired employees of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act*.

- (a) **Definition.**—In this paragraph, "employee" means an employee as defined in paragraph 46 and "retired employee" means a retired employee as defined in clause (a) of paragraph 48. ("employé", "employé à la retraite")
- (b) Any local board may contribute toward the cost to employees or retired employees of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act* and this paragraph applies with necessary modifications thereto. 1987, c. 10, s. 20(2), *revised*.

**50. Liability insurance, payment of damages, etc.**—For contracting for insurance and, despite the *Insurance Act*, enabling the municipality to be or act as an insurer, to protect the employees of the municipality, or any class of such employees, against risks that may involve liability on the part of the employees and for paying premiums therefor or for paying any damages or costs awarded against any of the employees or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees including while acting in the performance of any statutory duty or for paying any sum required in connection with the settlement of an action or other proceeding and for assuming the cost of defending the person in such an action or other proceeding.

- (a) **Definitions.**—In this paragraph,

"employee" means any salaried officer, or any other person in the employ of the municipality or of a local board and includes,

- (i) a member of the police force of the municipality,
- (ii) persons that provide their services on behalf of the municipality without remuneration, exclusive of reimbursement of expenses or honoraria, if council of the municipality has passed a by-law designating such persons or classes of persons as employees for the purposes of this paragraph, and
- (iii) any other person or class of person designated as an employee by the Minister; ("employé")

"local board" means a local board as defined in the *Municipal Affairs Act*. ("conseil local")

- (b) **Local boards.**—A local board has the same powers to provide insurance for or to make payments to or on behalf of its employees as are conferred upon the council of a municipality under this paragraph in respect of its employees.
- (c) **Former employees.**—A by-law passed under this paragraph may provide that it applies to a person who was an employee at the time the cause of



action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.

- (d) **Application.**—This paragraph does not apply to an act or omission that occurred prior to the 20th day of June, 1978.
- (e) The *Insurance Act* does not apply to a municipality acting as an insurer for the purpose of this paragraph. R.S.O. 1980, c. 302, s. 208, par. 50; 1988, c. 31, s. 7(4), *revised*.

**51. Reciprocal contracts of indemnity.**—For exchanging with other municipalities in Ontario reciprocal contracts in indemnities or inter-insurance in accordance with Part XIII of the *Insurance Act* for the purpose of protecting the employees of the municipality or any local board thereof, or any class of such employees, against those risks which the corporation may insure or self-insure under paragraph 50.

- (a) Despite subsections 387(1) and (2) of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under subsection 163(2).
- (b) The money raised for a reserve fund of a municipal reciprocal exchange may be spent, pledged or applied to a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange, agree in writing and if section 386 of the *Insurance Act* is complied with.
- (c) Clauses (a) to (d) of paragraph 50 apply with necessary modifications to the powers conferred by this paragraph. 1988, c. 31, s. 7(5).

#### PARKS, PARKING LOTS, ETC.

**52. Acquiring land for parks, etc.**—For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of land acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

- (a) A corporation that expropriates land in another municipality under the powers conferred by this paragraph shall put the land in an efficient state to be used and open it to the general public for the purpose for which it was acquired within a reasonable time after such expropriation, and shall maintain and keep the land in an efficient state of repair and shall provide police protection therefor.
- (b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality that in the opinion of the council derives special benefit therefrom.
- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint such number of persons qualified to hold office as a member of council as it considers

appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

**53. Accepting land dedicated.**—For accepting and taking charge of land, within or outside the municipality, dedicated as a public park for the use of the inhabitants of the municipality.

**54. Joint acquisition and maintenance of public parks.**—For entering into agreement with one or more municipalities for the purpose of,

- i. acquiring land for and establishing and laying out a public park within the municipality or within any other municipality, and
- ii. maintaining or operating a public park within the municipality or within any other municipality.

**55. Bicycle paths.**—For establishing, laying out and maintaining bicycle paths and for regulating the use thereof and for acquiring land for such purposes and for entering into agreements with other municipalities, including a regional, district or metropolitan municipality, or with the Crown in right of Ontario or the Crown in right of Canada, or with any person or any other body for the use of land for such purposes.

- (a) The power to acquire land under this paragraph does not include the power to enter on and expropriate land. R.S.O. 1980, c. 302, s. 208, pars. 51-54.

**56. Municipal parking lots.**—For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon.

- (a) **Definition of vehicle.**—A by-law under this paragraph may define vehicle for the purposes of the by-law.
- (b) **Application.**—Land acquired or established for the parking of vehicles under this paragraph and buildings and structures acquired or erected under this paragraph shall be deemed to be a highway for the purposes of paragraph 8 of subsection 314(1) and that said paragraph applies to such land, buildings and structures.
- (c) **Entrances and exits from underground parking facilities.**—A by-law under this paragraph may set aside and designate on any land vested for any purpose in a municipality entrances and exits to or from any underground parking facilities for the use of persons or vehicles, provided no such entrances or exits shall be set aside on a connecting link or extension of the King's Highway without the approval of the Ministry of Transportation.
- (d) **Reserve fund.**—Where a municipality established a parking lot or lots or erects buildings or structures therein, thereon or thereunder for such purposes or constructs underground parking facilities in the municipality at the expense of all the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased

by or on behalf of the municipality for parking purposes, including parking meters on highways.

(e) **Idem.**—Such reserve fund shall be applied,

- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
- (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
- (iii) thirdly, for such other purposes as the council may approve.

(f) **Levy of parking lot cost against defined area.**—

- (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, the annual rental payable under a lease or any operating deficit in the previous year shall be levied against the land in a defined area in the municipality that in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.
- (ii) The entire cost chargeable to land in the defined area shall be equitably apportioned among all the parcels in accordance with the benefits accruing to a parcel from the establishment of the parking lot or in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the defined area.
- (iii) Where the capital cost or a part thereof is to be levied as provided in subclause (i), the council shall give notice of its application to the Municipal Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.
- (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.
- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause (iii) in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause (d) or, if no reserve fund has been set up under clause (d), a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause (e).

(g) **Change in area receiving benefit.**—If a by-law imposing a levy under clause (f) is in effect and the council is of the opinion that,



- (i) there has been an increase in special benefit derived from the parking facilities by a parcel of land in the defined area against which a portion of the cost has been levied,
  - (ii) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit from the parking facilities, or
  - (iii) a parcel of land outside the defined area has begun to derive a special benefit from the parking facilities,
- the council may by by-law passed with the approval of the Municipal Board,
- (iv) redefine the areas in the municipality that contain the land that derive a special benefit from the by-law, and
  - (v) amend the schedule to the by-law imposing the special levy so as to reapportion the costs against each parcel of land in the defined areas that derive a special benefit.
- (h) **Rates.**—A by-law passed under this paragraph may establish parking rates which vary according to the location of the land, building or structure used for parking.
  - (i) **Removal of vehicle.**—A by-law passed under this paragraph may provide for the removal or impounding, at the owner's expense, of any vehicle parked or left contrary to the by-law.
  - (j) **Removal of vehicles.**—Subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to a by-law passed under this paragraph. R.S.O. 1980, c. 302, s. 208, par. 55; 1982, c. 24, s. 9(3); 1989, c. 84, s. 3(2).

**57. Independent parking authority authorized.**—For establishing an authority to be known in English as The Parking Authority of the ..... of ..... which may also be known in French as office des parcs de stationnement de ..... de ....., and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

- (a) **Incorporation and members.**—A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be either a member of the council of the municipality or qualified to be elected as a member thereof, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.
- (b) **Vacancies.**—Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this paragraph, to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.
- (c) **Reappointment.**—Any member is eligible for reappointment on the expiration of his or her term of office.
- (d) **Powers and duties of municipality transferred to authority.**—Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities shall



be exercised by the parking authority, but subject to such limitations as the by-law may provide.

- (e) **Budget and expenditures.**—The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the parking authority and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money.
- (f) **Annual report.**—On or before the 1st day of March in each year, the parking authority shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
- (g) **Audit.**—The municipal auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his or her inspection.
- (h) **Debentures.**—The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of land or construction of buildings shall not be transferred to the parking authority.
- (i) **Abolition of authority.**—Upon the repeal of the by-law establishing the parking authority, the parking authority ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.
- (j) A parking authority may continue to use a French version of its name adopted before the coming into force of this clause. R.S.O. 1980, c. 302, s. 208, par. 56; 1982, c. 50, s. 23(3), *revised*.

### SPECIAL UNDERTAKINGS

58. **Special undertakings.**—For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadiums, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor or for any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.
- (b) The council may authorize the erection of any such monument in any highway over which the corporation has jurisdiction.
- (c) Any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.

- (d) The councils of two or more municipalities may enter into agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.
- (e) The council may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under this paragraph.
- (f) Where two or more municipalities have provided in an agreement under clause (d) for a board of management to act on their behalf, they may provide for the number of members that may be appointed to the board by each of the municipalities, but each member of the board shall be a person who is qualified to be elected as a member of the council of one of the municipalities.
- (g) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph.
- (h) A board of management appointed under this paragraph for an arena or community recreation centre shall have the power to let from year to year or for any time not exceeding ten years the right to sell refreshments within the arena or community recreation centre under such terms and conditions as the board may prescribe.
- (i) Members of a board of management appointed under this paragraph shall hold office at the pleasure of the council that appointed them and unless sooner removed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.
- (j) Where a member of a board of management appointed under this paragraph has been removed from office before the expiration of his or her term, the council may appoint another eligible person for the unexpired portion of the term. R.S.O. 1980, c. 302, s. 208, par. 57; 1982, c. 50, s. 23(4).

**59. Regional economic development agreements.**—For entering into any agreement with Her Majesty in right of Ontario respecting regional economic development and any ancillary or subsidiary agreements with any person required as a result of entering into such an agreement with Her Majesty.

**60. Cold storage business.**—For establishing and carrying on the business of cold storage in connection with or upon the market property of the corporation. 1987, c. 10, s. 20(3).

**61. Power to acquire real property for purpose of leasing to doctor or dentist.**—Without limiting the generality of section 191, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased for residential, clinical or office purposes or a combination thereof.

**62. Exemption from taxation.**—For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, clubhouse or athletic grounds by persons who served in the armed forces of Her Majesty or Her Majesty's allies in any war.

63. **Lodging houses.**—For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence.

- (a) **Definition.**—In this paragraph, “lodging house” means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act. (“pension de famille”)
- (b) A by-law passed under this paragraph may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.
- (c) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house. R.S.O. 1980, c. 302, s. 208, pars. 59-61.

**NOTE:** The following s. 207.1 was enacted by 1991, c. 54, s. 9 as s. 208.1.

**207.1 (1) Retirement incentives.**—Subject to subsection (5), every municipality may make by-laws providing to employees, or any class of them,

- (a) financial incentives in respect of their retirement; and
- (b) severance payments.

(2) **Not pensions.**—Payments or incentives provided under this section shall be deemed not to be pensions under this or any other Act.

(3) **Retroactive.**—Municipalities shall be deemed to have always had the power to make by-laws under this section.

(4) **Definitions.**—In this section, “employee” means an employee as defined in paragraph 46 of section 207.

(5) **Regulations.**—The Lieutenant Governor in Council may make regulations prescribing limitations or conditions which apply in respect of payments or incentives authorized under this section.

(6) **Regional municipalities.**—In this section, “municipality” includes a regional, metropolitan or district municipality and the County of Oxford.

**208. Grants for patriotic purposes.**—By-laws may be passed,

- (a) by the councils of counties, cities, separated towns and separated townships, and of local municipalities in unorganized territory,
  - (i) **aid to rifle associations and militia.**—for aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature; and
  - (ii) **musical bands.**—for aiding the establishment or maintenance of military musical bands;



- (b) by the councils of all municipalities,
  - (i) **war savings committees.**—for aiding the establishment or maintenance of local war savings or loan committees,
  - (ii) **civil defence organizations.**—for the establishment and maintenance of emergency measures civil defence organizations, and
  - (iii) **idem.**—for providing money for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality. R.S.O. 1980, c. 302, s. 209.

**209. (1) Definitions.**—In this section,

“municipality” means a municipality as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford; (“municipalité”)

“participating local municipality” means a local municipality to which a by-law passed under subsection (2) applies; (“municipalité locale participante”)

“waste” means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the council of a county; (“déchets”)

“waste management plan” means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan; (“plan de gestion des déchets”)

“waste management power” means any power conferred by any general or special Act on local municipalities or local boards thereof related to the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste. (“pouvoir de gestion des déchets”)

(2) **Waste management plan and waste management powers.**—The council of a county may pass a by-law to empower it to adopt a waste management plan or to assume any or all of the waste management powers, or both, for all the local municipalities forming part of the county for municipal purposes.

(3) **Exemption.**—The council of a county may, with the consent of the council of the local municipality, by by-law exempt that local municipality from a by-law under subsection (2) but the consent is not required in respect of a repeal of the by-law.

(4) **Voting requirements for approval.**—No by-law under subsection (2) or (3) may be passed or repealed unless,

- (a) at least two-thirds of all the votes on county council are cast in its favour; and
- (b) at least one vote is cast in its favour by the majority of the local municipalities forming part of the county for municipal purposes.

(5) **Preparation of plan.**—The council of a county may provide for the preparation and adoption of a waste management plan for which it has passed a by-law under subsection (2) but no plan shall be adopted until notice of the proposed plan containing



such information as may be prescribed is given in the manner and to the persons and agencies prescribed.

(6) **Conformity to plan.**—If a waste management plan is in effect, the county or local board thereof or the participating local municipalities or local boards thereof shall not undertake any waste management service or facility or pass a by-law for any purpose under a waste management power that does not generally conform to the plan.

(7) **Non-conforming undertakings, preliminary steps permitted.**—Despite subsection (6), the county or local board thereof or the participating local municipalities or local boards thereof may consider the undertaking of a waste management service or facility that does not conform with the waste management plan and for that purpose may apply for any approval that may be required, carry out investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work.

(8) **Limitation.**—Nothing in subsection (7) authorizes the actual undertaking of any waste management service or facility that does not conform with a waste management plan.

(9) **Effect of by-law.**—When a by-law passed under subsection (2) comes into effect,

- (a) the county is responsible for the waste management powers assumed by the county in all participating local municipalities;
- (b) the county has all the powers conferred by any general or special Act upon the participating local municipalities or local boards thereof related to the waste management powers assumed by the county.

(10) **County has exclusive jurisdiction.**—If a county has assumed the power for providing services or facilities for the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, no municipality under a similar or equivalent power, and no person, shall provide such services or facilities within the participating local municipalities without the consent of the council of the county, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

(11) **Continuation of waste management services.**—Subsection (10) does not apply to prevent any person or municipality which does not form part of the county for municipal purposes or which is not a participating municipality from providing a waste management service or facility if that waste management service or facility was being lawfully provided on the effective date of the by-law, so long as that waste management service or facility continues without interruption.

(12) **Appeal to O.M.B. where disagreement or consent denied.**—If consent is refused under subsection (10) or the applicant and the council of the county fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

(13) **Terms.**—The Municipal Board may impose such terms and conditions as it considers appropriate and the decision of the Municipal Board is final.

(14) **No appeal.**—Section 95 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (13).

(15) **Transfer of assets, liabilities.**—All rights and obligations and all assets and liabilities of a participating local municipality or local board thereof pertaining to or primarily used in connection with the waste management powers assumed by the county are vested in the county and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the county and the participating local municipality or local board thereof.

(16) **Assumption by county of certain debts.**—The county shall pay to the participating local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such participating local municipality or local board thereof in respect of the waste management powers assumed by the county.

(17) **Interest on late payments.**—If the county fails to make any payment required under subsection (16) on or before the due date, the participating local municipality or local board may charge the county interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from such date until payment is made.

(18) **Transfer of agreements to county.**—If a participating local municipality or local board thereof had entered into an agreement with another person or municipality in respect of the waste management power assumed by the county, the county shall be bound by the agreement and the participating local municipality or local board thereof is relieved of all liability under the agreement.

(19) **Agreements respecting waste management.**—The council of the county may enter into agreements with any person or municipality for establishing, constructing, operating or managing, at their joint expense and for their joint benefit, any waste management service or facility that is within the jurisdiction of the council as a result of the passage of the by-law under subsection (2).

(20) **Idem.**—Where the county has passed a by-law under subsection (2) to empower it to adopt a waste management plan, the council of the county may enter into agreements with any municipality for developing, at their joint expense and for their joint benefit, joint objectives and policies for the provision of waste management services or facilities.

(21) **Collection of waste management rates.**—Despite section 374, the council of a county may by by-law provide for imposing on and collecting from participating local municipalities in which it is providing waste management services or facilities, a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the capital costs including debenture charges and expenditures for the maintenance and operation of the waste management services or facilities in the participating local municipalities and such rate may vary based on the volume, weight or class of waste or on any other basis the council of the county considers appropriate and specifies in the by-law.

(22) **Rates constitute debt of county.**—All rates under subsection (21) constitute a debt of the participating local municipality to the county and shall be payable at such times and in such amounts as may be specified by by-law of the council of the county.

(23) **Payment and collection of rates.**—Despite sections 369 and 374, the participating local municipality may,

- (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;
- (b) pass by-laws for imposing a rate sufficient to recover the whole or part of the amount chargeable to it under this section in the same manner as by-laws under paragraphs 91 and 92 of section 210 may be passed; and
- (c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the participating local municipality under any general or special Act.

(24) **Designation and utilization of waste management facilities.**—If under a by-law passed under subsection (2) a county assumed the responsibility for providing services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, the council of the county may, for each participating local municipality, designate one or more services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste or any class or classes thereof and, where such a designation has been made, a participating local municipality shall not utilize any services or facilities except the services or facilities that have been so designated for that local municipality.

(25) **Dispute resolution.**—If a dispute arises in respect of the financial adjustments or the vesting of assets, including a reserve fund, under subsection (15), or the transfer of agreements under subsection (18), the county, participating local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board has power to hear and determine the matter and its decision is final.

(26) **No appeal.**—Section 95 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (25).

(27) **Regulations.**—The Lieutenant Governor in Council may make regulations,

- (a) prescribing, for the purposes of subsection (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;
- (b) providing for the security of employment and the protection of benefits of employees affected by by-laws passed or repealed under this section;
- (c) prescribing the criteria for determining the amount of the financial adjustments payable under subsection (15) and for providing which body shall pay and which body shall receive the financial adjustments under that subsection;
- (d) establishing a dispute settlement mechanism that may be used to attempt to resolve a dispute described in subsection (25) before an application is made to the Municipal Board. 1989, c. 43, s. 1.

**210.** By-laws may be passed by the councils of local municipalities:

## ANIMALS AND BIRDS

**1. Prohibiting or regulating the keeping of animals.**—For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the municipality or defined areas thereof, the number



of animals or any class thereof that may be kept by any person, or that may be kept in or about any dwelling unit or class of dwelling unit as defined in the by-law.

- (a) **Definition.**—In this paragraph and paragraphs 2, 3, 4, 6 and 7, “animal” includes birds and reptiles. (“animal”)

2. **Regulating animal breeding or boarding establishments.**—For regulating establishments for the breeding or boarding of animals, or any class thereof, within the municipality or defined areas thereof.

3. **Providing pounds.**—For providing sufficient yards and enclosures for the safekeeping of such animals as it may be the duty of the poundkeeper to impound.

4. **Animals being at large or trespassing.**—For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law. R.S.O. 1980, c. 302, s. 210, pars. 1-4.

5. **Animal identification system.**—For providing for animal identification systems including tagging, tattooing or microchip implantation and for requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the by-law in respect of the identification system. 1989, c. 84, s. 4(1).

6. **Appraising the damages.**—For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality.

7. **Compensation for impounding animals.**—For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer.

- (a) Any by-law passed by the council of a town, village or township under paragraphs 3, 4 and 6 applies to any county highway or part thereof situate within such town, village or township. R.S.O. 1980, c. 302, s. 210, pars. 5, 6.

8. **Leashing of dogs.**—For requiring, within any defined areas of the municipality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

- (a) **Definition.**—In this paragraph and in paragraphs 9, 10, 11 and 13, “owner” of a dog includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor. (“propriétaire”) 1989, c. 84, s. 4(2).

9. **Dog waste.**—For requiring an owner of a dog to remove forthwith excrement left by the dog anywhere in the municipality and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law. 1987, c. 10, s. 21(1), *part*; 1989, c. 84, s. 4(3).



10. **Muzzling and leashing of dogs.**—For requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal, but the owner of the dog may request and is entitled to a hearing by the council or a committee thereof or the animal control official of the municipality if so delegated by council, which or who may exempt the owner from the muzzling or leashing requirement, or both.

11. **Licensing of dogs.**—For licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them including the imposition of a higher fee in the case of female dogs or for each additional dog or female dog where more than one is owned by any one person or in any one household and a lower fee in the case of dogs that are at least six months old that have been spayed or neutered.

- (a) On payment of the licence fee, the owner shall be furnished with a dog tag.
- (b) The owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting in the bush.
- (c) A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.
- (d) Instead of furnishing the owner with a dog tag under clause (a), the council may require an owner to identify the dog as provided in a by-law passed under paragraph 5.
- (e) If a by-law is passed under this paragraph, the owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) shall pay an annual licence fee fixed by the by-law as a licence fee for the kennel instead of a licence fee for each dog.

12. **Clinics.**—The council may by by-law establish clinics for the spaying or neutering of dogs and cats and may charge such fees as may be set out in the by-law.

13. **Dogs running at large.**—For prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

- (a) A dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
- (b) A by-law under this paragraph may establish procedures for the voluntary payment of penalties out of court in cases where it is alleged that the by-law respecting dogs running at large has been contravened and, if payment is not made in accordance with the procedures, the fine is recoverable under the *Provincial Offences Act*. 1989, c. 84, s. 4(4).

## TELEVISION ANTENNAE

14. **Television installers.**—For licensing, regulating and governing persons engaged in the installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae, and for revoking any such licence.

## EXPLOSIVES

15. **Regulating, storing and transportation of explosives.**—For regulating the keeping, storing and transporting of,

- (a) dynamite, dualin, nitro-glycerine or gunpowder;
- (b) petroleum, gasoline or naphtha;
- (c) detonators and detonator caps; and
- (d) other dangerous or combustible, inflammable or explosive substances.

16. **Fees for support of magazines.**—For regulating and providing for the support by fees of magazines belonging to private persons for the storage of the substances mentioned in clause (a) of paragraph 15, and for requiring them to be stored in such magazines.

17. **Erecting and maintaining magazines.**—For erecting and maintaining within or without the limits of the municipality magazines for the storage of the substances mentioned in clause (a) of paragraph 15, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.

18. **Limiting quantity to be kept.**—For limiting the quantity of the substances mentioned in clause (a) of paragraph 15 that may be kept in any place other than such a magazine, and for regulating the manner in which they are to be kept or stored.

19. **Prohibiting manufacture of explosives.**—For prohibiting or regulating the establishment within the municipality of factories or other places for the manufacture or storage of any of the substances mentioned in clause (a) of paragraph 15.

20. **Submission of plans of premises.**—For requiring the submission of plans of the premises including the buildings upon or in which it is proposed that such manufacture or storage shall take place, and the approval of them by the council before the manufacture or storing is commenced.

21. **Height and description of fences around buildings.**—For requiring such buildings to be surrounded by walls or fences and for regulating the height and description of such walls or fences and their distance from such buildings, and also the distance from any other building, at which such manufacture or storage may be carried on.

22. **Regulating business of manufacturing explosives.**—For regulating the carrying on of the business of manufacturing or storing such substances, whether the business has been heretofore or is hereafter established, and prescribing the precautions to be taken for the prevention of fires and accidents from the combustion or explosion of such substances.

**23. Licences for carrying on business.**—For granting licences for the carrying on of the business of manufacturing the substances mentioned in paragraph 15 or for storing them in quantities of more than eleven kilograms, and prescribing the time, not exceeding five years, during which the licences shall remain in force, but the licence fee shall not exceed \$25 a month for every month in which such business is carried on.

**24. Storing, etc., of gasoline, etc.**—For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances. R.S.O. 1980, c. 302, s. 210, pars. 7-17.

## FENCES

**25. Height and kind of fence.**—For prescribing the height and description of lawful fences.

- (a) A by-law passed under this paragraph may apply to the whole municipality or to any defined areas thereof, and may prescribe different standards for the height and description of lawful fences in different defined areas of the municipality. R.S.O. 1980, c. 302, s. 210, par. 18; 1989, c. 11, s. 7(1).

**26. Along highways.**—For prescribing the height and description of, and the manner of maintaining, keeping up and laying down, fences along highways or parts thereof, and for making compensation for the increased expenses, if any, to persons required to maintain, keep up or lay down any such fence. R.S.O. 1980, c. 302, s. 210, par. 19.

**27. Division fences, apportionment of cost.**—For determining how the cost of division fences shall be apportioned, and for providing that any amount so apportioned shall be recoverable under the *Provincial Offences Act*, but, until a by-law is passed, the *Line Fences Act* applies.

- (a) A by-law passed under this paragraph may be restricted in its application to such defined areas of the municipality as are set out in the by-law. R.S.O. 1980, c. 302, s. 210, par. 20; 1986, c. 47, s. 14.

**28. Barbed wire fences.**—For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or other barbed material and for prohibiting or regulating the erection of fences made wholly or partly of barbed wire or other barbed material.

- (a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof. 1989, c. 11, s. 7(2).

**29. Water gates.**—For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or watercourse.

**30. Fences around private outdoor swimming pools.**—For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the



manner of erecting and maintaining, such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to any by-law of the municipality.

- (a) A by-law passed under this paragraph may be made applicable to the whole municipality or to one or more defined areas thereof as set out in the by-law, R.S.O. 1980, c. 302, s. 210, pars. 22, 23.

### FIRE MATTERS

31. **Fire-fighting services, etc.**—For providing fire-fighting and fire protection services and for establishing, operating, promoting and regulating life and property saving companies.

- (a) A municipality under this paragraph may establish, maintain and operate a fire department to serve only a defined area of the municipality, in which case, a special annual rate may be levied by the municipality on all the rateable property in the defined area sufficient to pay all or part of the costs incurred in the establishment, maintenance and operation of the fire department including any amounts owing in respect of debentures issued in connection therewith.
- (b) The power conferred by this paragraph may be exercised jointly by two or more municipalities upon such basis as to the distribution of cost as the municipalities may agree and each municipality shall issue its own debentures for its share of the capital cost of providing the joint fire service.
- (c) The power conferred by this paragraph includes the power to enter into agreements with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed or, failing agreement, as may be determined by the Municipal Board for the use of the fire-fighting equipment of the other municipality or person, or any of it, in the event of fire in any defined area of the municipality.
- (d) The power conferred under this paragraph includes the power to levy a special annual rate on all the rateable property in the defined area to defray the expenses incurred under and incidental to the agreement referred to in clause (c).
- (e) Despite the agreement, no liability accrues to the other municipality or person for failing to supply the use of the fire-fighting equipment or any of it. R.S.O. 1980, c. 302, s. 210, par. 24, *revised*.

32. **Emergency fire service plan.**—For adopting and participating in an emergency fire service plan and program established by the fire co-ordinator of a regional, district or metropolitan municipality, or by a county or district fire co-ordinator, upon such terms and conditions as the council considers appropriate, but despite such plan and program, no liability accrues to a municipality for failing to supply the use of fire-fighting equipment in accordance with the plan and program.



33. **Providing against accidents by fire.**—For securing against accident by fire the inmates and employees and others in factories, hotels, boarding houses, lodging houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement.

34. **Smoking in shops.**—For regulating smoking in retail shops in which ten or more persons are employed, or in any class or classes thereof, and for prohibiting smoking in such shops or any class or classes thereof, or in any part or parts thereof.

35. **Prescribing times for setting fires and precautions.**—For prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires. R.S.O. 1980, c. 302, s. 210, pars. 25-28.

36. **Discharge of firearms.**—For the purpose of public safety, for prohibiting or regulating the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof. 1989, c. 11, s. 7(3).

37. **Sale of fireworks.**—For regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law. 1989, c. 11, s. 7(4).

38. **Setting off fireworks.**—For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

39. **Wooden buildings.**—For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in the municipality.

40. **Fire in stables, etc.**—For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire.

41. **Dangerous manufactures.**—For prohibiting or regulating the carrying on of manufactures or trades that may be considered dangerous in causing or spreading fire.

42. **Chimney cleaning.**—For regulating and enforcing the proper cleaning of chimneys.

43. **Removal of ashes.**—For regulating the mode of removal and safekeeping of ashes.

44. **Guarding buildings against fire.**—For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident.

45. **Fire buckets.**—For requiring each inhabitant to provide as many fire buckets in such manner and at such time as may be prescribed and for regulating the inspection of them and their use at fires.

46. **Inspection of premises.**—For authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the by-law is obeyed, and to enforce or carry into effect the by-law.

47. **Preventing spreading of fire.**—For suppressing fires, and for pulling down or demolishing buildings, or other erections when considered necessary to prevent the spread of fire.

48. **Enforcing assistance at fires.**—For regulating the conduct and enforcing the assistance of persons present and for the preservation of property at fires.

49. **Regulations.**—For making such other regulations for preventing fires and the spread of fires as the council considers necessary.

- (a) By-laws passed under this paragraph and paragraphs 39 to 48 may be made applicable to the whole municipality or to one or more defined areas thereof as set out in the by-law.

50. **Authority to call out help.**—For authorizing the head of council or, in case of the absence of the head of council, any member of the council, in the event of an emergency arising in the municipality by reason of timber or forest fires, to call out such number of inhabitants of the municipality as may be necessary to fight and put out any such fires, and for fixing the amount of the remuneration to be paid to such inhabitants for the services rendered by them.

51. **Prohibiting incinerators in certain buildings.**—For prohibiting the installation, use and maintenance of incinerators for the burning of garbage or other refuse in any class or classes of buildings erected after the 1st day of September, 1966. R.S.O. 1980, c. 302, s. 210, pars. 31-44.

52. **Designating fire routes and prohibiting parking thereon.**—Despite paragraph 131, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof.

- (a) **Definition.**—For the purposes of this paragraph, “private roadway” means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot. (“chemin privé”)
- (b) Subsection 170 (13) [Subsection 170 (15)] of the *Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1980, c. 302, s. 210, par. 45; 1982, c. 24, s. 10(1).

## FOOD AND FUEL

53. **Regulating the delivery or exposure for sale of meat, etc.**—For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal.

**54. Inspection of provisions.**—For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops.

**55. Seizing tainted food.**—For authorizing the seizing and destroying of tainted and unwholesome articles of food. R.S.O. 1980, c. 302, s. 210, pars. 46-48.

**56. Power to buy and sell fuel and food.**—With the approval of the Municipal Board and within the restrictions and under the conditions prescribed by order of the Board,

- i. for buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality,
- ii. for acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes,
- iii. for appointing officers, clerks and employees to manage and conduct such businesses,
- iv. for making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers,
- v. for borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
  - (a) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council. R.S.O. 1980, c. 302, s. 210, par. 49; 1982, c. 50, s. 24(1).

## GENERAL

**57. Industrial sites.**—For acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

- (a) **Application of receipts where debt outstanding.**—Where land has been acquired under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land, other than services supplied under the *Local Improvement Act*, all money received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless on the vote of the council the use of such money is directed for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such money on hand and any such money received thereafter shall be credited to the general funds of the municipality.
- (b) **Use of land by municipality or sale to local board.**—Any land acquired under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in the *Municipal Affairs Act*, for the purposes of such board.



- (c) **Disposal of land when no longer required.**—Where it appears to the council that any land acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may sell or dispose of the whole or any part of such land for any purpose. R.S.O. 1980, c. 302, s. 210, par. 50.

**58. By-laws authorizing undertakings and borrowing therefor.**—For authorizing the completion, improvement, alteration, enlargement or extension of any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission and for issuing debentures therefor.

- (a) **Definitions.**—In this paragraph,

“public utility commission” means a commission or board having the control and management of a public utility undertaking; (“commission de services publics”)

“public utility undertaking” means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, and a transportation system, and includes any land, buildings or equipment required for the administration or operation of any such system. (“entreprise de services publics”)

- (b) **Approval of O.M.B.**—The Municipal Board, upon application for approval with respect to works undertaken under this paragraph, may, in addition to the inquiry required by section 68 [section 63] of the *Ontario Municipal Board Act*, have due regard to the financial position of the undertaking and to the additional revenue, if any, that might be derived as a result of the proposed work.
- (c) **Application of paragraph.**—This paragraph applies to any municipality operating any such undertaking under the authority of a special Act, and any provision in such special Act requiring the assent of the electors does not apply to the borrowing of money for the purposes of this paragraph.
- (d) **Idem.**—This paragraph does not apply to a proposed work that the Ministry of Health or the Ontario Water Resources Commission, under their respective powers under any Act, has required a municipality to undertake.
- (e) **Defined areas.**—The powers conferred by this paragraph may be exercised in respect of the whole municipality or any defined area thereof, and a special rate for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section may be imposed upon all the rateable property in the municipality or in any such defined area.
- (f) **Land of certain school boards.**—Land of an elementary school or secondary school as defined in the *Education Act* is liable to be specially assessed for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section, despite the *Assessment Act*. R.S.O. 1980, c. 302, s. 210, par. 51; 1982, c. 50, s. 24(2), *revised*.

**59. Street lighting systems.**—For acquiring, establishing, constructing, maintaining and operating a street lighting system.



**60. Removal of snow and ice from roofs and sidewalks of occupied premises.—**

For requiring the owners or occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the owners or occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done.

**61. Removal of snow and ice from roofs and sidewalks of unoccupied premises.—**

For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 326.

**62. Removal of snow and ice from sidewalks.—**For clearing away and removing snow and ice from the sidewalks on any highway or part of a highway or any class thereof in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, or any class thereof, at the expense of the owners, and for collecting or recovering the expenses incurred in so doing in any manner including the manner provided by section 326.

**63. Removal of snow and ice from sidewalks, etc., at municipality's expense.—**

Despite paragraphs 60 and 62, for providing for the clearing away and removal of snow and ice at the expense of the municipality from the sidewalks on the highways in front of, alongside or at the rear of buildings owned or occupied by any class or classes of persons, and from those portions of walkways between the highways or the public sidewalks on highways, as the case may be, and the lowest step of the principal place of entrance of such buildings.

**64. Right to enter adjoining land.—**For permitting an owner or occupant of any building, fence or other structure or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building, fence or other structure but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry.

**65. Sparring exhibitions and boxing matches.—**For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief of police in a city or town, or the reeve in townships and villages.

**66. Motor vehicle and motorcycle racing.—**For prohibiting, or for licensing, regulating and governing, the racing of motor vehicles or motorcycles, or one or more defined classes thereof, in the municipality or one or more defined areas thereof; and for prohibiting, or for licensing, regulating and governing, the holding of motor

vehicle or motorcycle races, or one or more defined classes thereof, in the municipality or one or more defined areas thereof.

**67. Corporation surveyor and engineers.**—For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers.

(a) **Powers of engineer.**—Engineers so appointed and their assistants, in the performance of their duties, possess all the powers, rights and privileges that a surveyor possesses under section 6 of the *Surveys Act*.

**68. Destruction of tussock moths.**—For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them. R.S.O. 1980, c. 302, s. 210, pars. 52-61.

**69. Agreements with condominium corporations re roads, sewers and water pipes.**—For entering into agreements with a condominium corporation incorporated under the *Condominium Act* for,

- i. maintaining and repairing roads on the condominium property,
- ii. clearing away and removing snow and ice from roads on the condominium property, and
- iii. maintaining and repairing sewer pipes and water pipes installed on the condominium property for connecting buildings and other structures on the property with the sewage or water works of the municipality and for maintaining and repairing fire hydrants installed on the property.

(a) An agreement may be upon such terms and conditions, including terms as to the payment of fees, as are agreed upon.

(b) Where a municipality has entrusted the management of its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements with condominium corporations for the purposes, in relation to water works, mentioned in subparagraph iii of this paragraph.

(c) Where a municipality has entrusted the management of its sewage works and its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements for the purposes mentioned in subparagraph iii of this paragraph. R.S.O. 1980, c. 302, s. 210, par. 62, *revised*.

**70. Site for armoury.**—For acquiring land in the municipality for a drill-shed or armoury for any militia or volunteer corps having its headquarters in the municipality.

**71. Treatment of alcoholics.**—For establishing, erecting and maintaining an institution for the treatment of alcoholics. R.S.O. 1980, c. 302, s. 210, pars. 63, 64.

**72. Markets.**—For establishing, maintaining and operating markets and for regulating such markets and any other markets located within the municipality.

(a) A by-law passed under this paragraph may,

- (i) provide for charging market fees to vendors in a market established by the council and for prohibiting persons from selling or exposing things for sale in such a market if the fee has not been paid, and
- (ii) regulate the hours of operation of any market within the municipality.

73. **Regulating vending in streets, etc.**—For prohibiting or regulating sales by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

(a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof.

74. **Weigh scales.**—For erecting and maintaining weigh scales within the municipality or within an adjacent municipality, and charging fees for the use thereof.

HEALTH, SANITATION AND SAFETY

75. **Bathing.**—For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality.

76. **Adequate heat in rented accommodation.**—For requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation that, as between tenant or lessee and the landlord, is normally heated by or at the expense of the landlord, for defining adequate and suitable heat for such purposes and for providing for the inspection of such dwelling or living accommodation.

77. **Conveniences to be provided by builders.**—For requiring the owners, contractors or master workers engaged in the erection or construction of buildings or public works to provide for the use of the workers, employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them. R.S.O. 1980, c. 302, s. 210, pars. 65-70.

78. **Dry earth closets.**—For requiring the use within the municipality or a defined area of it of dry earth closets.

79. **Expenses of cleaning closets, etc.**—For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

(a) **Powers.**—For such purpose, the corporation, its officers and employees have all the powers of the local board of health and its officers and employees.

(b) **Fixed or graded fees.**—The council may provide for the expense incurred in such work by imposing in the by-law authorizing the work or in a separate by-law a fixed fee or graded fees varying according to the different kind of premises served, the time involved in service and such other matters as the council may consider applicable, and such fees shall be rated and assessed against the land in respect of which such services are rendered in the collector's roll of the municipality and collected and recovered in like manner as municipal taxes.

(c) **Special rate, assessed value or monthly.**—The council may provide that the collection, removal and disposal by the corporation of the contents of earth closets or other sanitary closets throughout the whole municipality, or in defined areas of it, shall be done at the expense of the owners, householders or occupants of the land therein, and where such service is at the expense of the owner may impose upon such land a special rate according to its assessed value which shall be collected and recovered in like manner as municipal taxes, or may impose upon the owners, householders and occupants



of any building on such land a monthly rate in lieu of such special rate which shall be collected and recovered in like manner as municipal taxes.

**80. Filling up, draining, etc., private drains.**—For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

**81. Purchase of wet land.**—For purchasing any wet land in the municipality, the price of which, in case of Crown land, shall be fixed by the Lieutenant Governor in Council, and for draining such land.

**82. Prohibiting littering of private or municipal property.**—For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property.

**83. Regulations for sewerage, etc.**—For making any other regulations for sewage or drainage that may be considered necessary for sanitary purposes.

**84. Sewage works.**—For establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof.

**85. Drain connections.**—For constructing service drains from a sewer to the line of the highway and for charging the owner of the premises for which the service drain is constructed the cost of such construction, which may be collected or recovered in like manner as taxes.

**86. Closing and filling up cesspools, etc.**—For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cesspools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health.

**87. Plumbing inspection fees.**—For charging a fee for the inspection of plumbing, sewers, septic tanks, cesspools, water closets, earth closets, privies and privy vaults where, under this or any other Act, approval or a certificate of compliance or such inspection is required.

**88. Purchase of land to prevent flooding.**—For acquiring, with the consent of the council thereof, land in any other municipality required for preventing the municipality or any part of it from being flooded by surface or other water flowing from such other municipality, or for an outlet for such water, and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

**89. Collection, removal and disposal of garbage, etc.**—For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by that person of ashes, garbage and other refuse upon such terms and conditions as may be considered expedient, and for erecting and maintaining with the approval of the Ministry of Health such buildings, machinery and plant as may be considered necessary for the purposes of this paragraph.



- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

**90. Acquisition of land for garbage disposal.**—For acquiring land in any local municipality or in territory without municipal organization for any of the purposes of paragraph 89.

- (a) No land shall be acquired in a local municipality under this paragraph without the approval of the local municipality, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board, and no land shall be acquired in territory without municipal organization under this paragraph without the approval of the Municipal Board.
- (b) The Municipal Board, before giving its approval under this paragraph, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the local municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions and conditions respecting the acquisition or use of such land as to the Municipal Board may appear necessary or expedient.
- (c) The Municipal Board may order the amendment of any official plan or of any by-law passed under section 34 of the *Planning Act* to permit the use of the land for the purposes for which it is to be acquired.

**91. Special rate for cost.**—For the collection, removal and disposal by the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

- (a) **No land exempt.**—Subject to clauses (c) and (d), no land is exempt from the special rate, despite any general or special Act or any by-law.
- (b) **Recovery of special rate.**—The special rate may be collected or recovered in the manner provided by section 326.
- (c) **Special rate on churches.**—In the case of a place of worship, the council may by by-law provide that the special rate shall be imposed upon the land according to its assessed value exclusive of the assessed value of the buildings.
- (d) **Rate on all rateable property.**—A special rate to defray the expense of such collection, removal and disposal may be levied on all the rateable property in the municipality or the defined areas.

**92. Monthly rates.**—For charging the owners, householders or occupants of any building in the municipality a monthly rate in lieu of the special rate for such collection, removal and disposal of ashes, garbage or other refuse and for providing that the monthly rate may be collected or recovered in the manner provided by section 326 and for the exemption of any class of land owners, householders or occupants from the monthly rate.

93. **Construction of scaffolding, etc.**—For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workers and others employed thereon; and for appointing inspectors of scaffolding.

94. **Excavating trenches.**—For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits.

95. **Window cleaning safety devices.**—For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

96. **Regulation of water tanks.**—For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of them contrary to such regulations.

97. **Maintaining public conveniences.**—For constructing and maintaining lavatories, urinals, water closets and like conveniences, where considered requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order. R.S.O. 1980, c. 302, s. 210, pars. 72-91.

98. **Investigations and reports as to utilities.**—For procuring investigations and reports as to water works or water supply systems, electrical power or energy generating, transmission or distribution systems, natural or artificial gas works or supply systems, sewer, sewer systems or sewage works, or transportation systems, and for issuing debentures therefor.

- (a) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor. R.S.O. 1980, c. 302, s. 210, par. 92; 1982, c. 50, s. 24(3).

99. **Extension of sewers into adjoining municipality.**—Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon or, in case of failure to agree, as may be determined by arbitration.

- (a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrator shall determine not only the terms and conditions

upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal that is contemplated, and whether the extension or connection should be allowed to be made.

- (b) Nothing in this paragraph authorizes the making of an open drain or sewer, or affects the *Drainage Act*, or limits any of the powers conferred on townships by that Act. R.S.O. 1980, c. 302, s. 210, par. 93.

**100. Slaughter houses.**—For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, but this paragraph does not apply to the slaughter of animals on land assessed as farm property for the use of the occupants of the property. 1982, c. 50, s. 24(4).

### TRAILERS AND TRAILER CAMPS

**101. Licensing of trailers.**—For licensing trailers located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor.

- (a) **Definition.**—In this paragraph, “trailer” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, even if the vehicle is jacked-up or its running gear is removed. (“roulotte”)
- (b) **Application of by-law.**—No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.
- (c) **Licence fees.**—Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.
- (d) **Assessed trailers.**—No licence fee shall be charged in respect of a trailer assessed under the *Assessment Act*. R.S.O. 1980, c. 302, s. 210, par. 95.

**102. Municipal trailer camps.**—For acquiring, establishing, maintaining and operating trailer camps or trailer parks and for acquiring land for such purposes and for installing such services for the use of the occupants of the trailer camps or trailer parks as the council considers expedient and for fixing the fees to be paid by the occupants of the trailer camps or trailer parks.

- (a) **Definitions.**—In this paragraph, “trailer camp” or “trailer park” means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, even if the vehicle is jacked-up or its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein. (“parc à roulettes”)



- (b) Where a municipal corporation operates a trailer camp or trailer park, the corporation shall pay to the public school board, separate school board or secondary school board, as the case may be, for each child residing in a trailer in the trailer camp or trailer park and attending a school under the jurisdiction of the board such fees monthly as may be prescribed by the board concerned for non-resident pupils, but the fees shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year less legislative grants.
- (c) No fees are payable under clause (b) in respect of a child residing in a trailer if the trailer is liable for assessment and taxation under the *Assessment Act*, R.S.O. 1980, c. 302, s. 210, par. 96; 1988, c. 31, s. 8.

### PUBLIC BUS TRANSPORTATION

103. **Bus franchises.**—Subject to the *Municipal Franchises Act*, for entering into agreement with any person for a period not exceeding ten years for granting to such person the exclusive right to maintain and operate buses, for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.

- (a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.
- (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.
- (c) The agreement does not affect a licence granted under the *Public Vehicles Act*.
- (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.
- (e) It is sufficient compliance with subsection 3(1) of the *Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area.

104. **Public bus transportation systems.**—Subject to the *Public Vehicles Act* and the *Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing may provide,

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate or secondary school board or board of education to provide transportation for pupils,
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,



- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,
- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the municipality in such adjoining municipality.

### HIGHWAYS AND SIDEWALKS

**105. Coasting and tobogganing.**—For prohibiting or regulating coasting or tobogganing on the highways.

**106. Prohibiting children from riding behind wagons, etc.**—For prohibiting children from riding on the platforms of cars, or riding behind or getting on wagons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes.

**107. Buildings encroaching on highway.**—For allowing any person owning or occupying any building or other erection that by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council considers reasonable for such owner or occupant to pay for such privilege.

- (a) Such fee or charge forms a charge upon the land used in connection therewith and is payable and payment of it may be enforced in like manner as taxes are payable and the payment of them may be enforced, but nothing herein affects or limits the liability of the municipality for all damages sustained by any person by reason of such erection upon a highway.

**108. Use of highway or boulevard during building operations.**—For permitting the use of a portion of any highway or boulevard by the owner or occupant of land adjoining such highway or boulevard during building operations upon such land for the storage of materials for such building or for the erection of hoardings; for fixing and collecting a fee or charge for such use according to the area occupied and the length of time of such occupation, and for regulating the placing of such materials or hoardings, the restoration of such highway or boulevard to its original condition, the payment of such fee or charge, and the giving of permits for such privilege.

**109. Projections.**—For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at such height above the grade thereof as established by council as the council may provide in the by-law.

**110. Encroachment on highway for refacing.**—For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

**111. Highways, boundaries and names.**—To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

- (a) **Procedures for changing name of highway.**—A by-law changing the name of a highway has no effect until a copy of it, certified under the hand of the clerk and the seal of the corporation, has been registered in the proper land registry office.
- (b) Before passing a by-law for changing the name of a highway,
  - (i) notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality, and
  - (ii) the council shall hear any person who claims to be adversely affected by the by-law and who applies to be heard.

**112. Numbering of buildings, etc.**—For numbering the buildings and lots along any highway, beach, park, reserve or any other property in the municipality that it is considered necessary to number by the council, and for affixing numbers to the buildings and for charging the owner or occupant with the expense incident to the numbering of the lot or property.

- (a) Such expense may be collected in the same manner as taxes, and, if paid by the occupant, subject to any agreement between the occupant and the owner, may be deducted from the rent payable to the owner.

**113. Records of highways, etc.**—For keeping, and every such council shall keep, a record of the highways, beaches, parks, reserves and of the numbers of the buildings, lots, and other property, if any, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

**114. Laying of poles, wires, pipes or conduits on street.**—For regulating and, subject to the *Municipal Franchises Act* and on such terms and conditions as the council considers expedient, for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity across or along any highway or public place, or permitting any person supplying electricity for light, heat or power to lay down pipes or conduits for enclosing wires for the transmission of electricity under any highway or public place, but a by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

**115. Laying pipes or conduits for electric wires.**—Subject to the *Power Corporation Act*, for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along, any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon.

**116. Transmitting steam or cooling energy under highways.**—For authorizing any person supplying steam for heat or power or supplying cooling energy to lay

down pipes or conduits for transmitting steam or cooling energy under the highways or public squares, on such terms and conditions as the council considers expedient.

- (a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation.

**117. Transmission poles, wires, etc.**—Despite this Act or any other general or special Act but subject to the *Power Corporation Act* and the *Public Utilities Act*, for authorizing and regulating,

- i. the erection and maintenance upon, across or along any highway or public place of poles, towers, wires, cables, amplifiers and other accessory equipment, and the construction and laying down of pipes, ducts and conduits for enclosing wires, cables, amplifiers and other accessory equipment, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programs or parts thereof, and television programs or parts thereof, and
  - ii. the placing and maintenance of such equipment upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes, ducts and conduits.
- (a) **Definition.**—For the purposes of this paragraph, “body” means Ontario Hydro in respect of its works and a local board, as defined in the *Municipal Affairs Act*, in respect of its works. (“organisme”)
- (b) A by-law passed under this paragraph may be in respect of the whole of the municipality or a defined area or defined areas thereof, and any such area may be enlarged, reduced, dissolved or amalgamated at the discretion of the council and section 15 does not apply.
- (c) Nothing in this paragraph authorizes the granting of an exclusive franchise or the establishment of a monopoly.

**118. Water and gas pipes in highways.**—Subject to the *Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across any highway under the jurisdiction of the council.

**119. Driving, etc., upon sidewalks.**—For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

**120. Spitting on sidewalks, in public buildings, etc.**—For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances and in such other public places as may be designated in the by-law.

**121. Use of highways to solicit business.**—For prohibiting persons from soliciting or importuning, on a highway or in a public place, others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.



- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

**122. Telephone booths.**—For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council considers reasonable. R.S.O. 1980, c. 302, s. 210, pars. 97-116.

**123. Regulating traffic.**—Subject to the *Highway Traffic Act*, for regulating traffic on the highways and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places specified in the by-law, and for prohibiting traffic in any but one direction in highways that, in the opinion of the council, are too narrow for the passing of one vehicle by another or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction.

- (a) A by-law passed under this paragraph may prohibit or regulate the parking, standing or stopping of vehicles, or any class thereof, on highways or any part of a highway, and such by-law may classify vehicles according to size or weight. R.S.O. 1980, c. 302, s. 210, par. 117; 1982, c. 24, s. 10(2); 1989, c. 84, s. 4(5).

**124. Permit parking.**—For allowing the parking of motor vehicles or any class or classes thereof on designated parts of highways for specified periods and during specified hours pursuant to permits issued and charging such fee as the council may determine for the privilege of parking for such periods and during such times.

- (a) The by-law may provide for the commencement, expiry and cancellation of permits and the refunding of the fee for the unexpired portion of the permit period.
- (b) The by-law may prohibit the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways during specified hours except by authority of a permit.
- (c) The by-law may provide for exemptions from parking, standing or stopping prohibitions of any by-law of the corporation regulating traffic where a permit is used.
- (d) A by-law passed under this paragraph that affects a highway designated as a connecting link or extension of the King's Highway under subsection 21(1) of the *Public Transportation and Highway Improvement Act* has no effect until it is approved by the Minister of Transportation. R.S.O. 1980, c. 302, s. 210, par. 118; 1982, c. 24, s. 10(3), *revised*.

**125. Parking for disabled persons.**—For exempting the owners and drivers of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of vehicles on any highway or part thereof under the jurisdiction of the council.



- (a) A by-law passed under this paragraph may regulate or prohibit the parking, standing or stopping of vehicles displaying a disabled person parking permit, and the provisions authorized by this clause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of vehicles on a highway or part thereof under the jurisdiction of the council.
- (b) The by-law shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof.
- (c) The by-law may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law. 1989, c. 54, s. 43(1), *revised*.

**126. Stands for vehicles.**—For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire, but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land. R.S.O. 1980, c. 302, s. 210, par. 120.

**127. Racing and speeding on parking lots.**—For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 20 kilometres per hour on privately-owned parking lots upon which the public is invited to park vehicles.

- (a) **Definition.**—In this paragraph, “vehicle” means a vehicle as defined in the *Highway Traffic Act*. (“véhicule”)
- (b) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to the particular parking lot.
- (c) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles. R.S.O. 1980, c. 302, s. 210, par. 121; 1989, c. 11, s. 7(5).

**128. Limiting width of vehicles on certain highways.**—Subject to the *Highway Traffic Act*, for designating any highway or highways having a width of 4.25 metres or less and for prohibiting the driving of vehicles having greater widths than those prescribed in the by-law on such highway or highways.

- (a) No such by-law is effective in respect of a highway so designated unless there is erected at each entrance thereto a sign clearly indicating the limitation on the width of vehicles permitted on such highway.

**129. Pedestrian ways or malls.**—Subject to the approval of the Minister of Transportation, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

130. **Safety zones.**—For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a “safety zone” and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon. R.S.O. 1980, c. 302, s. 210, pars. 122-124.

**NOTE:** The following para. 131 was amended by 1991, c. 15, s. 6 as para 125.

131. **Prohibiting parking on private or municipal property.**—For prohibiting the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property and on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.

- (a) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner’s expense, parked or left contrary to the by-law.
- (b) Subsection 170(15) of the *Highway Traffic Act* applies with necessary modifications to a by-law passed under this paragraph.
- (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner’s consent.
- (d) If a municipal council has appointed a person who is not an employee of the municipality as a municipal by-law enforcement officer under section 15 of the *Police Services Act* for enforcing a by-law under this paragraph, the municipal council shall ensure that the person is properly trained to perform the duties arising out of the appointment and is properly supervised having regard to the nature of those duties.
- (d.1) If a municipal council has entered into an agreement with another municipality for that other municipality to be responsible for the enforcement of the by-law, the other municipality is responsible for ensuring the person is properly trained and supervised under clause (d).
- (d.2) The supervision required under clause (d) or (d.1) shall be performed by an employee of the municipality or, with the consent of the appropriate police services board, by a member of a municipal, regional or metropolitan police force having jurisdiction in the municipality which passed the by-law under this paragraph.
- (e) **Definition.**—In clause (d), “employee” means an employee as defined in paragraph 46 of section 207. (“employé”)
- (f) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.
- (g) If it is alleged in a proceeding that a by-law passed under this paragraph has been contravened, the oral or written evidence of a police officer, police cadet or municipal by-law enforcement officer is receivable in evidence as

proof, in the absence of evidence to the contrary, of the facts stated therein in respect of,

- (i) the ownership or occupancy of the property,
  - (ii) the absence of the consent of the owner or occupant, and
  - (iii) whether any person is an occupant within the meaning of subclause (iv) of the definition of “occupant” set out in clause (i) or is an owner within the meaning of subclause (v) of the definition of “owner” set out in clause (i).
- (h) A document offered as evidence under clause (g) shall be admitted without notice under the *Evidence Act*.
- (i) **Definitions.**—In this paragraph,

“occupant” means,

- (i) the tenant of the property or part thereof whose consent shall extend only to the control of the land held by the tenant and any parking spaces allotted to the tenant under the lease or tenancy agreement,
- (ii) the spouse of a tenant,
- (iii) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
- (iv) a person authorized in writing by an occupant as defined in clause (i), (ii) or (iii) of this definition to act on the occupant’s behalf for requesting the enforcement of a by-law passed under this paragraph; (“occupant”)

“owner” when used in relation to property means,

- (i) the registered owner of the property,
- (ii) the registered owner of a condominium unit, whose consent shall extend only to the control of the owner’s unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner’s exclusive use in the declaration or description of the property,
- (iii) the spouse of a person described in clause (i) or (ii) of this definition,
- (iv) where the property is included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation,
- (v) a person authorized in writing by the property owner as defined in clause (i), (ii), (iii) or (iv) of this definition to act on the owner’s behalf for requesting the enforcement of a by-law passed under this paragraph. (“propriétaire”) R.S.O. 1980, c. 302, s. 210, par. 125; 1982, c. 24, s. 10(4); 1989, c. 84, s. 4(6, 7), *revised*.

**132. Licences for wheeled vehicles.**—Requiring all residents in the municipality owning and using any wheeled vehicle or any class or classes thereof, other than a motor vehicle and a trailer as defined in the *Highway Traffic Act* and a wheeled vehicle used for farming purposes, to obtain a licence therefor before using it upon any highway of the municipality.

- (a) A by-law under this paragraph may limit the weight or size of loads that may be carried on wheeled vehicles to which the by-law applies.



- (b) A by-law under this paragraph may regulate the issuing of the licences and may fix, and provide for the collection of, an annual fee for such licences which may be in different amounts for different classes of vehicles. R.S.O. 1980, c. 302, s. 210, par. 126, *revised*.

**133. Unlocked motor vehicles.**—For prohibiting any person driving or in charge of a motor vehicle, other than a commercial motor vehicle, from allowing such motor vehicle to stand unattended unless it is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.

- (a) **Definitions.**—In this paragraph, “motor vehicle” and “commercial motor vehicle” mean “motor vehicle” and “commercial motor vehicle” as defined in the *Highway Traffic Act*. (“véhicule automobile”, “véhicule utilitaire”)

#### NUISANCES, SIGNS, ETC.

**134. Control of industrial nuisances.**—For regulating manufactures and trades that in the opinion of the council may prove to be or may cause nuisances of any kind, and, without restricting the generality of the foregoing, for prohibiting or regulating the erection or continuance of gas works, tanneries or distilleries or other manufactories or trades that, in the opinion of the council, may prove to be or may cause nuisances.

**135. Control of land used for disposal of refuse.**—For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

- (a) A by-law under this paragraph,
- (i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,
  - (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
  - (iii) may define industrial or domestic waste.
- (b) A by-law under this paragraph does not apply to the use of any land or structure by a municipality.

**136. Storing motor vehicles for salvage.**—For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

**137. Fencing of vacant lots.**—For requiring vacant lots to be properly enclosed.

**138. Noise.**—For prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants.



139. **P.A. systems, etc.**—For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public land or land adjacent thereto, or when emitting sound thereto.

140. **Nuisances.**—For prohibiting and abating public nuisances.

141. **Removal of pigeons.**—For empowering officers of the municipality upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and any buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons that are causing annoyance to the owner or occupant or damage to such premises. R.S.O. 1980, c. 302, s. 210, pars. 127-135.

142. **Operation of pits and quarries.**—For prohibiting the carrying on or operation of a pit or quarry in any area in which the use of land is restricted to residential or commercial use by a by-law passed, or an official plan adopted, before the 1st day of January, 1959, but no by-law passed under this paragraph shall come into force until approved by the Municipal Board or shall apply to a pit or quarry made or established before the 1st day of January, 1959, except to prohibit the enlargement or extension of any such pit or quarry beyond the limits of the land owned and used in connection therewith on the 1st day of January, 1959.

143. **Pits and quarries.**—For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within such distance of a road as is specified in the by-law and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and such area beyond their edge or rim as is specified in the by-law so that they will not be dangerous or unsightly to the public.

144. **Location of stables, garages, etc.**—For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

145. **Indecent placards, etc.**—For prohibiting the posting or exhibition of placards, play bills, posters, writing or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place. R.S.O. 1980, c. 302, s. 210, pars. 137-140.

146. **Signs.**—For prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway.

- (a) A by-law passed under this paragraph may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.
- (b) A by-law passed under this paragraph may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval

of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to any by-law of the municipality.

- (c) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration.
- (d) A by-law passed under this paragraph may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who,
  - (i) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so, or
  - (ii) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

- (e) **Notice.**—Before passing a by-law under this paragraph notice of the proposed by-law and notice of the council meeting at which the proposed by-law is to be discussed shall be published once at least fourteen days prior to the council meeting indicated in the notice and in the case of a municipality where there is no newspaper having general circulation in the municipality, shall be posted in a conspicuous place in the municipality for at least fourteen days prior to the council meeting indicated in the notice.
- (f) The council shall hear any person who before the council meeting indicated in the notice applies to be heard.
- (g) **Minor variances.**—The council may, upon the application of any person, authorize minor variances from the by-law passed under this paragraph if in the opinion of the council the general intent and purpose of the by-law are maintained. 1983, c. 5, s. 1(1), *part, revised*.
- (h) **Saving.**—No by-law passed under this paragraph, as it read on the 31st day of July, 1983, that prohibits or regulates signs or other advertising devices, applies so as to require a sign or advertising device that is lawfully erected or displayed on the 1st day of August, 1983, but that does not comply with the by-law, to be made to comply with the by-law or to be removed by the owner or the owner of the land on which it is situate, if the sign or advertising device is not substantially altered; and the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not in itself to constitute an alteration. 1983, c. 5, s. 1(2).
- (i) **Idem.**—No by-law passed under this paragraph that prohibits or regulates signs or other advertising devices, applies to a sign or advertising device that is lawfully erected or displayed on the day the by-law comes into force, if the sign or advertising device is not substantially altered, and the maintenance and repair of the sign or advertising device or a change in the

message displayed shall be deemed not in itself to constitute an alteration. 1983, c. 5, s. 1(3).

**147. Mobile sign lessors.**—For licensing, regulating and governing persons who carry on the business of leasing mobile signs.

- (a) **Definition.**—For the purpose of this paragraph, “mobile sign” does not include a sign attached to a vehicle where the principal use of the vehicle is the transportation of people, goods or other materials. (“enseigne mobile”)
- (b) For the purpose of this paragraph, a person who, from a location outside the municipality, carries on the business of leasing mobile signs shall be deemed to be carrying on business in the municipality if the person locates or permits the location of mobile signs in the municipality. 1983, c. 41, s. 1(3).

**148. Attaching of things to property of public utility.**—For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in clause (a) of paragraph 46 of section 207.

**149. Pulling down of signs and notices.**—For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed.

**150. Control of sewage.**—For prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

- (a) A person appointed by the council to carry out inspections under this paragraph may, for the purpose of carrying out such inspections, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant, and may take such tests and samples as are necessary for the purposes of the inspection.

## TRADES AND BUSINESSES

**151. Fixing time for delivery of coal.**—For requiring every dealer in coal who takes orders for coal for future delivery, and accepts payment in full or on account of such order, to deliver to the purchaser the coal so ordered within the time or times fixed by the by-law.

**152. Public garages, licensing, etc.**—For licensing and regulating the owners or operators of public garages, and for fixing the fees for such licences, and for revoking such licences, and for imposing penalties for breaches of such by-law and for the collection thereof.

- (a) **Definition.**—For the purpose of this paragraph, “public garage” includes an automobile service station as defined in clause (a) of paragraph 154, a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop



or for washing or cleaning motor vehicles. ("garage public") R.S.O. 1980, c. 302, s. 210, pars. 145-149.

**153. Parking facilities for disabled persons.**—For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder and for prohibiting the use of such spaces by other vehicles.

(a) A by-law passed under this paragraph,

- (i) may specify the dimensions of parking spaces to be provided for the sole use of vehicles displaying a disabled person parking permit, and the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number of parking spaces in the parking lot or parking facility to which the public has access,
- (ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and
- (iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law. 1989, c. 54, s. 43(2).

**154. Automobile service stations in restricted areas.**—For licensing, regulating and governing the owners or keepers of automobile service stations located or erected within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations is prohibited by a by-law, and for fixing a fee not exceeding \$10 for such licence, and for providing that a licence shall not be granted to any person as an owner of a public garage located or erected within any such area or on any such land.

- (a) **Definition.**—For the purposes of this paragraph, "automobile service station" means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed. ("station-service pour véhicules automobiles")
- (b) No person owning or keeping an automobile service station licensed under this paragraph shall use or permit it to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building, for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any accessories mentioned in clause (a) except in an enclosed building, or for exhibiting the same for sale in any display window, or for performing therein any repairs to motor vehicles other than those mentioned in clause (a), or for storing and keeping for sale any article, accessory or merchandise of any kind other than those expressly mentioned in clause (a), and it is the duty of such owner or keeper to prevent the use of an automobile service station for any such prohibited purpose.



- (c) The owner or keeper of an automobile service station guilty of any infraction of clause (b) is subject to the penalties set forth in the by-law permitting the location or erection thereof or the licensing of the same as for an infraction of such by-law.
- (d) Nothing in this paragraph shall be deemed to authorize the location or erection of any automobile service station contrary to any by-law in force under section 34 of the *Planning Act* or a predecessor of such section.
- (e) A licence may be required under this paragraph in addition to a licence under paragraph 152. R.S.O. 1980, c. 302, s. 210, par. 151.

**155. Car washes.**—For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

- (a) **Definition.**—For the purpose of this paragraph, “car wash” means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge. (“lave-auto”)
- (b) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 152 or 154.

**156. Heating and cooking equipment.**—For regulating, controlling and inspecting heating and cooking appliances, or any classes thereof, the installation thereof and the storage of fuel for use in connection therewith.

**157. Persons installing heating equipment.**—For licensing, regulating and governing persons engaged in the installation of hot air, hot water and steam heating equipment of any kind.

**158. Adoption of codes and standards.**—For the purposes of any by-law passed under paragraph 156 or 157, for adopting by reference to the Ontario Regulations as amended from time to time the codes and standards or the parts thereof as adopted and changed by regulation under the *Ontario Energy Board Act*.

**159. Lending libraries.**—For licensing, regulating and governing lending libraries that are carried on or operated for the purpose of profit or gain.

- (a) The fee to be paid for the licence shall not exceed \$2.
- (b) Nothing in this paragraph applies to or affects the lending or circulation of books, magazines, periodicals or other printed works by any religious body or incorporated educational institution.

**160. Licensing and regulating self-service laundries, etc.**—For regulating and governing laundretérias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any such services or machines, and for revoking such licences.

**161. Laundries.**—For licensing, regulating and governing laundries.

- (a) A by-law passed under this paragraph shall not apply to or include individuals carrying on a laundry business in private dwelling houses.

162. **Massage parlours.**—For licensing, regulating governing and inspecting massage parlours and such by-laws may provide for the enforcement thereof through the medical health department or the police department of the municipality.

163. **Sandblasters, etc.**—For licensing, regulating and governing sandblasters and other persons who for gain use chemicals or pressurized air, water, steam, sand or other abrasives to clean or restore the exteriors of buildings or other structures. R.S.O. 1980, c. 302, s. 210, pars. 153-161.

#### MISCELLANEOUS

164. **Size and strength of walls, etc., and production of plans.**—For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all such buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to any by-law of the municipality or of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

165. **Ascertaining levels of cellars, etc.**—For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be considered necessary for ascertaining such levels.

166. **Establishing grades of streets and levels of basements.**—For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

167. **Regulation, etc., of heating plant and equipment.**—For regulating, controlling and inspecting, subject to the *Boilers and Pressure Vessels Act*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

168. **Regulating removal and wrecking of buildings and structures.**—For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed

or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

**169. Production of plans of public buildings, etc.**—For requiring the production of the plans of hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement or for public meetings now erected or which it is proposed to erect, and for prohibiting the use or erection of them until any regulation under the *Building Code Act* is complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.

**170. Owner's liability to repair land in front of commercial buildings.**—For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of the land lying between the building and the street line that is used by the public as part of the sidewalk on such street.

**171. Repairs to existing buildings.**—For regulating the repairing or alteration of roofs or the external walls of existing buildings so that the buildings may be as nearly as practicable fire-proof.

**172. Pulling down, etc., of buildings illegally erected.**—For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

**173. Pulling down buildings in ruinous state.**—For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident.

**174. Construction of cellars, drains, etc.**—For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

**175. Control of termites.**—For requiring,

- i. any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects,
- ii. the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects,
- iii. the removal and destruction or in the alternative the separation from the soil by an approved non-cellulose barrier of all wooden poles, tree-stumps or other wooden or cellulose material that is not part of a building if they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects,
- iv. the removal and destruction or in the alternative the separation from the soil by an approved non-cellulose barrier of all wooden poles, tree-stumps or other wooden or cellulose material that is not part of a building which is or may become a hazard of infestation or re-infestation to a building or structure of



any class or classes thereof rendered resistant to infestation under subparagraph ii. 1983, c. 5, s. 1(4), *part*.

**176. Cost of control of termites and repairs.**—For providing for the payment by the municipality of not more than one-half of the cost,

- i. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects, and
- ii. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph.

(a) The by-law may provide for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

(b) The amount of any loan made under a by-law passed under this paragraph, or a predecessor hereof, together with interest at a rate to be determined by council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(c) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, or a predecessor hereof, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper land registry office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and thereupon the lands are freed from all liability with reference thereto. 1983, c. 5, s. 1(4), *part, revised*.

**211. Township by-laws.**—A by-law passed by the council of a township under any of paragraphs 164 to 176 of section 210 may be made applicable to the township or one or more defined areas thereof as set out in the by-law. 1983, c. 5, s. 1(5), *part*.

**212. Building inspector.**—The council of a county, including the County of Oxford, or a regional or district municipality may enter into an agreement with one or more local municipalities for the appointment by the county, regional or district council of a building inspector for the administration of by-laws passed under paragraphs 164 to 176 of section 210 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector. 1983, c. 5, s. 1(5), *part*.



**213. Deemed county.**—The County of Oxford, The District Municipality of Muskoka and every regional municipality, except The Regional Municipality of Sudbury and The Regional Municipality of Haldimand-Norfolk, shall be deemed to be a county for the purposes of the *Building Code Act*, 1983, c. 5, s. 1(5), *part*.

**214. (1) Definitions.**—In this section and in any by-law passed thereunder, “closed” means not open for the serving of any customer; (“fermé”) “shop” means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers’ shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house. (“boutique”)

**(2) Principal trade.**—Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade.

**(3) Gross sales.**—Where it is alleged that any person has contravened in any month any by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any, carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated.

**(4) Exception as to customers entering before closing hour.**—Nothing in this section or in a by-law passed under it renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein.

**(5) By-law determining hours of closing.**—The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o’clock in the afternoon of any day and 5 o’clock in the forenoon of the next following day.

**(6) Closing of shops for weekly half-holiday.**—The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during any time or hours between 12.30 o’clock in the afternoon and 5 o’clock in the forenoon of the next following day.

**(7) Closing of shops for weekly holiday.**—The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during the whole of such day and until 5 o’clock in the forenoon of the next following day.

(8) **Closing of shops on holidays.**—The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days:

1. Any holiday as defined in the *Interpretation Act*.
2. Boxing Day.
3. Any day proclaimed by the head of the council of a local municipality as a civic holiday.

(9) **Powers of township councils.**—The council of every township has, with respect to any part of the township designated in the by-law, all the rights and powers conferred by this section on the council of a city, town or village and may pass by-laws that apply only to the part of the township so designated.

(10) **Commencement and publication of by-laws.**—A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof.

(11) **Closing of shops in which several trades carried on.**—A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless it is shown by the occupier or other person having control of the opening and closing of such shop that, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed.

(12) **Exception as to sales by druggists.**—A pharmaceutical chemist or druggist is not, nor is an occupier of or person employed in or about a shop in a village or township, liable to any penalty under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops, but nothing in this subsection authorizes a person to keep open shop after that hour.

(13) **Supplying articles to lodgers, etc.**—Nothing in any such by-law renders the occupier of a premises liable to any penalty for supplying an article to a person lodging in such premises, or for supplying an article required for immediate use by reason of an emergency arising from sickness, ailment or death, or for supplying or selling an article to a person for use on or in or about or with respect to a steamboat or sailing vessel that at the time of such supplying or selling is either in or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to a person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection authorizes a person to keep open shop after the hour appointed by such by-law for the closing of shops.

(14) **By-laws containing different provisions for different localities.**—A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

(15) **Agent or employee liable to penalty.**—Where an offence for which the occupier of a shop is liable under any such by-law to a penalty has in fact been

committed by some agent or employee of the occupier, such agent or employee is liable to the same penalty as if that person were the occupier.

(16) **Exemption of occupier on conviction of actual offender.**—An occupier of a shop who is charged with an offence against any such by-law is entitled, upon information duly laid to have any other person whom the occupier alleges to be the actual offender brought before a provincial judge at the time appointed for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the provincial judge that due diligence was used to enforce the execution of the by-law and that such other person committed the offence without the occupier's knowledge, consent or connivance, such other person may be convicted of such offence and is liable to the same penalty or punishment as if that person were the occupier, and the occupier is exempt from any penalty. R.S.O. 1980, c. 302, s. 211(1-16).

(17) **Repeal of by-law.**—A council may amend or repeal any by-law passed under any predecessor of this section, whether or not the by-law was required to be passed upon the application of any number of occupiers of shops in the municipality. 1987, c. 10, s. 22, *part*.

(18) **When daylight saving time in effect.**—A by-law passed by the council of a municipality under this section may provide that, so long as the time commonly observed in the municipality is one hour in advance of standard time, the times mentioned in this section and in the by-law shall be reckoned in accordance with the time so commonly observed and not standard time.

(19) **Form of by-law.**—Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops. R.S.O. 1980, c. 302, s. 211(19, 20).

(20) **Fines.**—Despite section 320, a by-law passed under this section may provide that a person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales of the shop during the period the shop was open in contravention of the by-law. 1989, c. 72, s. 52(2).

**215. Retail gasoline outlets.**—In addition to any matter authorized by section 214, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in the *Industrial Standards Act* may,

- (a) provide that the by-law shall apply only in the part or parts of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between 6 o'clock in the afternoon of any day and 7 o'clock in the forenoon of the next following day and between 6 o'clock in the afternoon of Saturday and 7 o'clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, despite



the by-law, during the part or parts of the day or days specified in the permit. R.S.O. 1980, c. 302, s. 212.

**216. (1) Definition.**—In this section, “hotel” means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as “boarding houses” or of furnishing living quarters for families and having a diningroom or restaurant commonly known as “apartment houses” or “private hotels”. (“hotel”, “pensions”, “maisons à appartements”, hotels privés”)

(2) **Sale of soft drinks, etc.**—For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conducting of an ice-cream parlour, restaurant or cafe, the keeper of a hotel shall not be required,

(a) to obtain any licence issued by a municipal authority; or

(b) to comply with any by-law relating to early closing. R.S.O. 1980, c. 302, s. 213.

**217. Application of closing by-laws to service centres.**—By-laws passed under section 214, 215 or 216 do not apply to service centres established on controlled-access highways under agreement with the Minister of Transportation. R.S.O. 1980, c. 302, s. 214.

**218. (1) Special charges to provide additional sewer or water supply capacity.**—With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose upon the owners of such buildings a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

(2) **Charges to refer to specific works.**—The special charge or charges under any by-law shall refer specifically to sewage works or water works as defined in section 221, or to both, as the case may be.

(3) **Application of proceeds.**—The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 163.

(4) **Charges a lien on land.**—The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by this Act for the collection of real property taxes.

(5) **When charges may be made payable.**—Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.



(6) **Exemptions.**—The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.
2. Every building on land in respect of which an agreement has been entered into with the municipality under section 51 of the *Planning Act* or any predecessor thereof.
3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.
4. Every residential building having not more than two dwelling units.
5. Every building, other than a residential building, with an inside floor area of not more than 300 square metres. R.S.O. 1980, c. 302, s. 215.

**219. (1) Water canals.**—By-laws may be passed by the councils of local municipalities,

- (a) for accepting a conveyance of lands in a registered plan of subdivision used or intended to be used for or in connection with water canals;
- (b) for cleaning, dredging and maintaining such canals, and providing and maintaining equipment for the circulation of water in them;
- (c) for defining an area and providing that the cost of such cleaning, dredging, maintenance and equipment and maintenance thereof shall be levied on the rateable property in the area;
- (d) for providing that the whole or part of such cost shall be assessed upon the lots abutting on such canals according to the frontage thereof, and, where only part of such cost is assessed on the lots abutting such canals, the balance of the cost shall be assessed and levied on the rateable property in the area;
- (e) for regulating and governing the use of water canals and for limiting the speed at which any boat or other vessel may travel in such canals; and
- (f) for permitting the owners or lessees of lots abutting water canals conveyed to the municipality to construct, maintain and use docks or slips in such canals and for making such annual or other charge for the privilege conferred by the by-law as the council considers reasonable, and for providing that, upon the termination of such privilege, the canal shall be restored to its former condition at the expense of the owner or lessee of the land to which the privilege is appurtenant by removing the dock or slip or otherwise as may be required by the by-law.

(2) **Charges.**—Such annual or other charge and any expense incurred by the corporation in restoring the water canal to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

(3) **No liability for damages.**—The corporation is not liable for damages that may result from the construction, maintenance and use of any such dock or slip. R.S.O. 1980, c. 302, s. 216, *revised*.

**220. (1) Improvement area may be designated by by-law.**—The council of a local municipality may pass by-laws designating an area as an improvement area and may by by-law establish for any such area so designated a board of management to which may be entrusted, subject to such limitations as the by-law may provide, the improvement, beautification and maintenance of municipally owned land, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.

**(2) Notice of intention.**—Before passing a by-law designating an improvement area, notice of the intention of the council to pass the by-law shall be sent by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the area who is shown in the last revised assessment roll of the municipality as being assessed for business assessment within the meaning of the *Assessment Act*.

**(3) Petition objecting to by-law.**—Unless a petition objecting to the passing of the by-law referred to in subsection (2), signed by at least one-third of the persons entitled to notice as set out in subsection (2), representing at least one-third of the assessed value of the land in the area that is used as the basis for computing business assessment, is received by the clerk within two months next following the latest day of the mailing of any such notices, the council may pass the by-law, but, if such a petition is received by the clerk within such time, the council shall not pass the by-law.

**(4) Approval of O.M.B.**—Subject to subsection (3), where a petition objecting to the passing of a by-law referred to in subsection (2) signed by one or more persons entitled to notice as set out in that subsection is received by the clerk of the municipality within thirty days next following the latest day of the mailing of any of such notices, the by-law shall not come into force without the approval of the Municipal Board.

**(5) Sufficiency of petition determined by clerk.**—The sufficiency of the petition described in this section shall be determined by the clerk and the determination shall be evidenced by his or her certificate and when so evidenced is final and conclusive.

**(6) Board of management.**—A board of management established under subsection (1) is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals assessed for business assessment in respect of land in the area or nominees of such individuals or of corporations so assessed.

**(7) Term of office.**—Each member shall hold office from the time of appointment until the expiration of the term of the council that made the appointment, if the member continues to be qualified, as provided in subsection (6).

**(8) Vacancy.**—Where a vacancy occurs from any cause, the council shall appoint a person qualified as set out in subsection (6) to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.

**(9) Idem.**—The members shall hold office until their successors are appointed and are eligible for reappointment on the expiration of their term of office.

(10) **Estimates.**—A board of management shall submit to the council its estimates for the current year at the time and in the form prescribed by council and may make requisitions upon the council for all money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or providing the money for the purposes of the board of management and when money is so provided by the council the treasurer shall, upon the certificate of the board of management, pay out such money to the board of management.

(11) **Expenditure of money.**—The board of management shall not spend any money not included in the estimates approved by the council or in a reserve fund established under section 163.

(12) **Borrowing prohibited, restrictions on incurring indebtedness.**—The board of management shall not borrow money and, without the prior approval of the council, it may not incur any indebtedness extending beyond the current year.

(13) **Procedures.**—Section 147 of this Act and sections 65 and 66 of the *Ontario Municipal Board Act* apply to the giving of an approval of indebtedness by a council under subsection (12) as though the giving of the approval were the incurring of the indebtedness by the municipality.

(14) **Annual report.**—On or before the 1st day of March in each year, a board of management shall submit its annual report for the preceding year to council, including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

(15) **Auditor.**—The municipal auditor shall be the auditor of each such board of management and all books, documents, transactions, minutes and accounts of a board of management shall, at all times, be open to his or her inspection.

(16) **Dissolution of board.**—Upon the repeal of a by-law establishing a board of management, the board ceases to exist and its undertakings, assets and liabilities shall be assumed by the municipality.

(17) **Special charge.**—Subject to such maximum and minimum charges as the council may specify by by-law, the council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the board of management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

(18) **Special charge where special benefit derived.**—Despite subsection (17), the council may by by-law provide that the sum required for the purposes mentioned therein shall be levied as a special charge upon and shall be borne and paid by persons in the area assessed for business assessment who in the opinion of the council derive special benefit from the establishment of the area, and the sum chargeable to such persons shall be equitably apportioned among them in accordance with the benefits that, in the opinion of the council, accrue to them from the establishment of the area.



(19) **Notice.**—Before the council passes a by-law specifying maximum and minimum charges under subsection (17) or a by-law under subsection (18), notice of the proposed by-law shall be,

- (a) published at least once a week for four successive weeks, and the by-law shall not be passed until after the expiry of fourteen days following the day on which the notice was last published; or
- (b) given in the same manner as a notice of a proposed by-law under subsection (2), and the by-law shall not be passed until the expiry of thirty days next following the latest day of the mailing of any such notices.

(20) **Objections.**—Any person who would be liable to a special charge levied in accordance with a by-law proposed to be passed by the council of a municipality under subsection (17) specifying maximum or minimum charges or under subsection (18) may object to the proposed by-law by filing written notice of the objection with the clerk of the municipality before the expiry of the period mentioned in clause (19)(a) or (b), as the case may be.

(21) **Approval of O.M.B.**—Where an objection to a proposed by-law is made under subsection (20), the proposed by-law shall not come into force without the approval of the Municipal Board.

(22) **Application.**—Subsections (19), (20) and (21) do not apply to a by-law passed under subsection (17) or (18) to comply with an order of the Municipal Board under subsection (31).

(23) **Separate notices not required.**—Notice of a proposed by-law required under subsection (19) may be given in the same notice as notice of a proposed by-law under subsection (2).

(24) **Proviso.**—Despite subsection (17) or (18), where money borrowed by the municipality is provided in any year by the council for the purposes of the board of management and where only a portion of such money is required to be repaid by the municipality to the lender in that year or in any subsequent year, only the portion of the money required to be repaid to the lender in any such year together with any interest repayable in that year in respect of the total of such money shall be included in the sum to be provided in that year by the levy under subsection (17) or (18).

(25) **Manner of collection.**—Any charge imposed under subsection (17) or (18) may be collected in the same manner and with the same remedies as provided by this Act for the collection of taxes upon business assessment.

(26) **Designation of enlarged improvement area.**—The council of a local municipality may pass by-laws for designating as an improvement area an area that includes all of an existing improvement area designated under subsection (1).

(27) **Application of subss. (2-5).**—Subsections (2), (3), (4) and (5) apply with necessary modifications to the passing of a by-law under subsection (26).

(28) **When by-law comes into effect.**—A by-law passed under subsection (26) shall not come into force until the 1st day of January next after its passing, or, where the approval of the Municipal Board is required before such by-law may come into force, until the day specified by the Municipal Board.



(29) **Board of management continued.**—Where a by-law passed under subsection (26) comes into effect, the existing improvement area mentioned in that subsection is dissolved, but the board of management established for that improvement area is continued and shall be the board of management for the new improvement area designated under the by-law.

(30) **Application.**—The provisions of this section that apply to a board of management under subsection (1) or to a council or municipal auditor in respect of such a board apply with necessary modifications to a board of management continued under subsection (29) and to the council of a local municipality in respect of such a board over which it has jurisdiction and to the auditor of the municipality in respect of such board.

(31) **Approval of O.M.B.**—Where approval of the Municipal Board of a by-law passed under this section is required, the Municipal Board as a condition of giving its approval may by its order impose such restrictions, limitations and conditions with respect to such matter as may be necessary or expedient.

(32) **Repeal of by-law.**—A by-law designating an improvement area may be repealed to take effect upon the 31st day of December in the year in which it is passed. R.S.O. 1980, c. 302, s. 217(1-32).

(33) **Non-application of subss. (2-4).**—Subsections (2), (3) and (4) do not apply to,

- (a) a by-law passed under subsection (1) or (26) to comply with an order of the Municipal Board under subsection (31); or
- (b) a by-law passed under subsection (32). R.S.O. 1980, c. 302, s. 217(33), *revised*.

(34) **Minister may enter into agreements.**—The Minister and a local municipality may enter into agreements for the provision of loans or grants to the municipality on such terms or conditions as are agreed upon for the purpose of the improvement, beautification and maintenance of municipally owned land, buildings and structures in the municipality or in any defined area thereof and for the purposes mentioned in paragraph 56 of section 207. R.S.O. 1980, c. 302, s. 217(34).

## 221. (1) **Definitions.**—In this section,

“benefit” means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of sewage works or water works, (“avantage”) and

- (a) “immediate benefit” means the benefit that accrues and is derived or derivable immediately upon completion of the works, (“avantage immédiat”) and
- (b) “deferred benefit” means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a sewer or water main upon which the land will abut is constructed as part of the works; (“avantage différé”)

“capital cost” means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works and the imputed interest costs determined under subsection (3); (“coût en immobilisations”)

“capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset; (“améliorations des immobilisations”)

“sewage service rate” means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose; (“redevance de service d’égout”)

“sewage works” means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works; (“réseau d’égout”)

“sewer rate” means a charge for the capital cost of sewage works; (“redevance d’égout”)

“water works” means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works; (“réseau d’adduction d’eau”)

“water works rate” means a charge for the capital cost of water works. (“redevance d’eau”) R.S.O. 1980, c. 302, s. 218(1); 1988, c. 31, s. 9(1).

(2) **Sewer, water works rate.**—The council of a local municipality, in authorizing the construction of sewage works or water works, may by by-law impose a sewer rate or water works rate upon owners or occupants of land who derive or will or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify. 1989, c. 84, s. 5(1).

(3) **Rate of interest for long-term financing.**—Where a by-law passed under subsection (2) specifies that the capital cost of the works is to include the imputed interest cost on money supplied from the funds of the municipality to finance the owners’ share of the cost of the works, the rate of interest to be applied, for determining the imputed interest cost shall be the interest rate, as certified in writing by the treasurer, that the municipality would have expected to pay to finance the owners’ share of the cost of the work by debentures issued on the day named in the certificate having a schedule of maturity dates that would have coincided with the system of collecting the sewer rates or water works rates as established under clause (25)(a).

(4) **Date of certificate.**—A day named in a certificate under subsection (3), if it is prior to the day that the by-law specifying the capital cost of the works receives first reading, shall not be earlier than sixty days prior to that first reading. 1988, c. 31, s. 9(2).

(5) **Special assessment.**—Where a sewer rate or water works rate is imposed under subsection (2), no part of the capital cost of the works shall be specially assessed under the *Local Improvement Act*.

(6) **Land in respect of which rate imposed.**—A by-law passed under subsection (2) shall designate the land for which the owners or occupants are made liable for the sewer rate or water works rate imposed, and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

(7) **Idem.**—The land designated under subsection (6) may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

(8) **Rate for deferred benefit.**—Where a sewer rate or water works rate is imposed for a deferred benefit, it shall be changed to a rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable. R.S.O. 1980, c. 302, s. 218(3-6).

(9) **Computation of sewer rate.**—A sewer rate shall be computed by any or all or any combination of the following methods:

1. A metre frontage rate on the lands that receive an immediate benefit from the work.
2. A metre frontage rate on the lands that receive a deferred benefit from the work.
3. A hectareage rate or rates on any or all of the lands designated under subsection (6), which rates may differ as between lands that will receive an immediate benefit and lands that will receive a deferred benefit.
4. Either a mill rate on the assessed value of the lands designated under subsection (6) or a mill rate on the assessed value of the lands designated under subsection (6) and on the business assessment assessed against persons occupying or using the lands for the purpose of or in connection with a business.
5. A rate on that portion of the lands designated under subsection (6) that is connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.
6. A fixed charge for each parcel of land, comprising the land designated under subsection (6), which is a parcel separately assessed according to the last returned assessment roll.
7. Any other method which the council considers to be fair. R.S.O. 1980, c. 302, s. 218(7); 1982, c. 50, s. 25(1); 1989, c. 84, s. 5(2).

(10) **Computation of water works rate.**—A water works rate shall be computed by any or all or any combination of the methods referred to in paragraphs 1 to 4, 6 and 7 of subsection (9). R.S.O. 1980, c. 302, s. 218(8); 1989, c. 84, s. 5(3).

(11) **Revenue from rates.**—Where debentures are issued in respect of sewage or water works, the revenue derived in any year from a rate imposed under subsection (2) for the capital cost of the works shall be applied and used towards payment of principal and interest due in that year upon the debentures, and the council shall reduce that amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the rate imposed under subsection (2).

(12) **Idem.**—The revenue from the sewer rate or water works rate imposed under subsection (2), if not required for payment of principal and interest due as specified in subsection (11), may be credited by the municipality to its general revenues. 1988, c. 31, s. 9(3).

(13) **Sewer or water works rate for cost of existing works.**—Where in a local municipality there is land that has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewage works or water works except in the same manner and to the same extent as all other owners



or occupants of land within the municipality or within an area established under clause (e) of paragraph 58 of section 210 have been or are assessable or taxed and a sewer or water main forming part of such existing sewage works or water works is to be constructed by means of which an immediate benefit from the existing works accrues to the owners or occupants of such land, the council may, by by-law, provide for imposing upon the owners or occupants so benefited a sewer rate or water works rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works or water works as the by-law may specify. R.S.O. 1980, c. 302, s. 218(10); 1989, c. 84, s. 5(4).

(14) **Idem.**—A rate may be imposed under subsection (13) even if the capital cost of the existing works has in whole or in part been paid.

(15) **Revenue from rates imposed under subs. (13).**—The revenue from the sewer rate or water works rate imposed under subsection (13) if not required for payment of any part of the outstanding capital cost of the existing sewage works or water works shall be applied and used only for future capital improvements of the existing sewage works or water works, as the case may be.

(16) **Rate under subs. (13) in addition to rate under subs. (2).**—A rate imposed under subsection (13) shall be separate from and in addition to the rate, if any, imposed under subsection (2) upon the same owners or occupants with respect to the works to be constructed to form part of the existing works. R.S.O. 1980, c. 302, s. 218(11-13).

(17) **Rate structure.**—The council of a local municipality for the purposes of subsections (2) and (13) may,

- (a) establish a sewer rate structure or a water works rate structure upon which the sewer rate or water works rate shall be calculated having regard to differences in the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that rates are imposed on a fair basis; and
  - (b) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate on a fair basis.
- 1989, c. 84, s. 5(5).

(18) **Commutation.**—The council may by a general by-law or by a by-law applicable to the particular work prescribe terms and conditions upon which persons whose lands are liable to a sewer rate or water works rate imposed by a by-law under this section may commute such rate for a payment in cash. 1982, c. 50, s. 25(3).

(19) **Commutation continued.**—If a council has commuted a sewer rate or water works rate under subsection (18) and subsequently amends the rating by-law establishing the rate to which the commutation applies, the council shall in its amendment provide for the application of the same commutation to the amended rates. 1989, c. 84, s. 5(6).

(20) **Sewage service rate.**—The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewage works a sewage service rate.

(21) **Idem.**—A sewage service rate may be imposed under subsection (20) even if,



- (a) a sewer rate has also been imposed with respect to the capital cost of the same works; and
- (b) the work with respect to which it is imposed was constructed under the *Local Improvement Act* or any other general or special Act. R.S.O. 1980, c. 302, s. 218(16, 17).

(22) **Sewage service rate structure.**—The council of a local municipality for the purposes of subsection (20) may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates. R.S.O. 1980, c. 302, s. 218(18); 1989, c. 84, s. 5(7).

(23) **Equivalent charges, sewers.**—If a council does not impose a sewage service rate under subsection (20), it may by by-law include as part of a sewer rate imposed under subsection (2) or (13) a charge which could otherwise be imposed as a sewage service rate.

(24) **Idem, water.**—If a council does not impose a water rate, it may by by-law include as part of a water works rate imposed under subsection (2) or (13) a charge which could otherwise be imposed as a water rate. 1989, c. 84, s. 5(8).

(25) **Collection of rates.**—The council of a local municipality may by by-law establish systems for,

- (a) fixing times, periods and frequencies at and for which sewer rates or water works rates imposed under subsection (2) or (13) and sewage service rates imposed under subsection (20) shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing.

(26) **Idem.**—The council of a local municipality may by by-law require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in paragraph 5 of subsection (9).

(27) **Rates a charge on land.**—A sewer rate or water works rate imposed under subsection (2) or (13) and a sewage service rate imposed under subsection (20) upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupants, or the clerk of the municipality, upon notice to the owner or occupant of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the

same way, as nearly as may be, as municipal taxes are collectable. R.S.O. 1980, c. 302, s. 218(19-21).

(28) **Exemption from rates.**—No property is exempt from a sewer rate or a water works rate imposed under subsection (2) or (13) or from a sewage service rate imposed under subsection (20) by reason only that it is exempt from taxation under the *Assessment Act*, but the council of a local municipality may by by-law exempt any property or class of property from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works. 1989, c. 84, s. 5(9).

(29) **Apportionment.**—Despite any other provision, if a new part or parcel of land is created within an existing part or parcel of land in respect of which a sewer rate or water works rate has been imposed under this section,

- (a) the council of a local municipality may impose the rate on each new part or parcel; and
- (b) the revenue from the sewer rate or water works rate imposed under this subsection, if not required for payment of any part of the outstanding capital cost of the sewage works or water works, shall be used only for future capital improvements of the sewage works or water works.

(30) **Notice.**—The clerk of the municipality shall give the owners of the parts into which the land is divided at least fourteen days notice by mail of the time and place the council will determine the rates under subsection (29).

(31) **Basis of decision.**—The council in determining the rates shall have regard to the effect of the sewage works or water works on each part into which the parcel of land is divided and such other matters as it considers appropriate.

(32) **Decision final.**—The decision of the council with respect to the imposition of rates under subsection (29) is final.

(33) **Order to be filed with the clerk.**—The order imposing the rate shall be filed with the clerk and thereafter the rates shall be imposed and collected in accordance with the order.

(34) **Existing by-laws.**—Subsection (28) does not affect a sewer rate, water works rate or sewage service rate by-law that was in force on the 19th day of December, 1989. 1989, c. 84, s. 5(10).

**222. (1) Sewer and water connections.**—Councils of local municipalities may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings or class or classes of buildings to the sewage works or water works of the municipality.

(2) **Exemption from connecting.**—A by-law passed under subsection (1) may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof to the sewage works or water works of the municipality upon payment by the owner to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided for may be different for owners of

different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments shall be made.

(3) **May be installed by municipality.**—If the owner of a building affected by a by-law passed under this section fails to make a connection required by the by-law within nine months after the municipality has sent notice to the owner by registered mail to the owner's last known address requiring the connection to be made, the municipality may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner.

(4) **Recovery of cost.**—A notice sent under subsection (3) shall advise the owner that if the owner fails to make the connection as required, the municipality has the right to make it at the owner's expense and to recover the expense by action or in like manner as municipal taxes.

(5) **Extension of time.**—Upon the application of the owner, the council may grant an extension of not more than two years from the end of the nine-month period provided for in subsection (3) within which the connection is to be made, but not more than two extensions may be granted in respect of any building.

(6) **Loans.**—A by-law passed under this section may provide for the making of loans by the municipality to owners to whom a notice has been sent under subsection (3) to pay for the whole or any part of the cost of making a connection required by the by-law, which loans may be made on such terms and conditions as the council may prescribe.

(7) **Loan a lien on land.**—The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(8) **Certificate.**—A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. R.S.O. 1980, c. 302, s. 219.

**223. Commission may manage sewage works.**—By-laws may be passed by the councils of cities and towns for placing the control and management of sewage works under a commission established under the *Public Utilities Act* but the by-law shall not be passed without the assent of the electors. R.S.O. 1980, c. 302, s. 220.

**224. (1) Licensing, regulating, etc., body-rub parlours.**—By-laws may be passed by the councils of all municipalities for licensing, regulating, governing and inspecting body-rub parlours and for revoking or suspending any such licence and for limiting the number of licences to be granted, in accordance with subsection (3).



(2) **Signs, advertising, etc.**—A by-law passed under this section may provide for regulating the placement, construction, size, nature and character of signs, advertising, and advertising devices, including any printed matter, oral or other communication or thing, posted or used for the purpose of promoting body-rub parlours or for the prohibition of such signs, advertising, or advertising devices.

(3) **Defined areas, limitation on numbers.**—Despite subsection 109(7), a by-law passed under this section may define the area or areas of the municipality in which body-rub parlours may or may not operate and may limit the number of licences to be granted in respect of body-rub parlours in any such area or areas in which they are permitted.

(4) **Construction and equipment of premises.**—A by-law passed under this section may provide that no premises in which a body-rub parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of the by-law.

(5) **Entry.**—Where a medical officer of health or a public health inspector acting under his or her direction, or a peace officer, has reason to suspect that a breach of a by-law passed under this section has occurred in respect of a body-rub parlour, he or she may enter such body-rub parlour, at any time of the night or day, for purposes of carrying out the enforcement of the by-law.

(6) **Age restriction.**—A by-law passed under this section may prohibit any person carrying on or engaged in the trade, calling, business or occupation for which a licence is required under this section from permitting any person under the age of eighteen years to enter or remain in the body-rub parlour or any part thereof.

(7) **Evidentiary rule.**—For the purpose of any prosecution or proceeding under a by-law passed under this section, the holding out to the public that services described in this section are provided in premises or any part thereof, is admissible in evidence as proof, in the absence of evidence to the contrary, that the premises or part thereof is a body-rub parlour.

(8) **Other powers not affected.**—Nothing in this section affects the power that may be exercised by a municipality under this or any other general or special Act to license, regulate or govern any other trade, calling, business or occupation.

(9) **Definitions.**—For the purposes of this section,

“body-rub” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario; (“massage”)

“body-rub parlour” includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. (“salon de massage”) R.S.O. 1980, c. 302, s. 221.

**225. (1) Licensing, regulating, etc., adult entertainment parlours.**—By-laws may be passed by the councils of all municipalities for licensing, regulating, governing, classifying and inspecting adult entertainment parlours or any class or classes thereof and for revoking or suspending any such licence and for limiting the number of such licences to be granted, in accordance with subsection (3).

**(2) Signs, advertising, etc.**—A by-law passed under this section may provide for regulating the placement, construction, size, nature and character of signs, advertising, and advertising devices, including any printed matter, oral or other communication or thing, posted or used for the purpose of promoting adult entertainment parlours or any class or classes thereof or for the prohibition of such signs, advertising or advertising devices.

**(3) Defined areas, limitation on numbers.**—Despite subsection 109(7), a by-law passed under this section may define the area or areas of the municipality in which adult entertainment parlours or any class or classes thereof may or may not operate and may limit the number of licences to be granted in respect of adult entertainment parlours or any class or classes thereof in any such area or areas in which they are permitted.

**(4) Construction and equipment of premises.**—A by-law passed under this section may provide that no premises in which an adult entertainment parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of the by-law.

**(5) Entry.**—Where a medical officer of health or a public health inspector acting under his or her direction, or a peace officer, has reason to suspect that a breach of a by-law passed under this section has occurred in respect of an adult entertainment parlour, he or she may enter such adult entertainment parlour, at any time of the night or day, for purposes of carrying out the enforcement of the by-law.

**(6) Hours of operation.**—Despite subsection 109(3) and section 214, a by-law passed under this section may regulate the hours of operation of adult entertainment parlours or any class or classes thereof.

**(7) Age restriction.**—A by-law passed under this section may prohibit any person carrying on or engaged in the trade, calling, business or occupation for which a licence is required under this section from permitting any person under the age of eighteen years to enter or remain in the adult entertainment parlour or any part thereof. R.S.O. 1980, c. 302, s. 222(1-7).

**(8) Non-application of by-laws.**—By-laws passed under this section do not apply to premises or trades, callings, businesses or occupations carried on in premises licensed under a by-law passed under section 224. R.S.O. 1980, c. 302, s. 222(8); 1984, c. 56, s. 23(1).

**(9) Definitions.**—In this section,  
“adult entertainment parlour” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;  
(“local de divertissement pour adultes”)

“goods” includes books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape and any other reading, viewing or listening matter; (“biens”)

“to provide” when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and “providing” and “provision” have corresponding meanings; (“fournir”, “fournissant”, “fourniture”)

“to provide” when used in relation to service includes to furnish, perform, solicit, or give such services and “providing” and “provision” have corresponding meanings; (“fournir”, “fournissant”, “fourniture”)

“services” includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the *Theatres Act*; (“services”)

“services designed to appeal to erotic or sexual appetites or inclinations” includes,

- (a) service of which a principal feature or characteristic is the nudity or partial nudity of any person,
- (b) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or “nu” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement. (“services conçus pour s’adresser aux appétits ou aux tendances sexuels ou érotiques”) R.S.O. 1980, c. 302, s. 222(9); 1984, c. 56, s. 23(2).

(10) **Evidentiary rule.**—For the purpose of any prosecution or proceeding under a by-law passed under this section, the holding out to the public that goods or services described in this section are provided in premises, or any part thereof, is admissible in evidence as proof, in the absence of evidence to the contrary, that the premises or part thereof is an adult entertainment parlour.

(11) **Other powers not affected.**—Nothing in this section affects the power that may be exercised by a municipality under this or any other general or special Act to license, regulate or govern any other trade, calling, business or occupation. R.S.O. 1980, c. 302, s. 222(10, 11).

**226. Public bath premises.**—By-laws may be passed by the councils of cities for licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such licence. R.S.O. 1980, c. 302, s. 223.

**227. Licensing, regulating and governing pet shops.**—By-laws may be passed by the councils of cities and of local municipalities, other than cities, situate within ten miles of a city having a population of not less than 100,000 for licensing, regulating and governing the keepers of shops or places where animals or birds for use as pets are sold or kept for sale. R.S.O. 1980, c. 302, s. 224.

**228. By-laws may be passed by the councils of counties:**

1. **Aid for animal losses due to rabies.**—For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal:



|              |       |
|--------------|-------|
| cattle ..... | \$250 |
| horses ..... | 100   |
| goats .....  | 40    |
| sheep .....  | 40    |
| swine .....  | 40    |

R.S.O. 1980, c. 302, s. 225, par. 1.

2. **Establishment of county farms.**—For acquiring land in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such land and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Ministry of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed. R.S.O. 1980, c. 302, s. 225, par. 3; 1987, c. 10, s. 23(2).

3. **Fences.**—For the exercise in respect of fences along highways under the jurisdiction of the council of the powers conferred upon the councils of local municipalities by paragraph 26 of section 210.

4. **Regulating erection of poles, towers, wires, etc., on county highways.**—Subject to the *Municipal Franchises Act*, for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, and the laying of pipes or conduits for the conveyance of water, gas or sewage under, the highways under the jurisdiction of the council. R.S.O. 1980, c. 302, s. 225, pars. 4, 5.

5. In respect of highways under the jurisdiction of the council,

- (a) **Licensing livery stables, etc.**—for licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire, and teamsters;
- (b) **Rates of fare.**—for regulating the fares to be charged for the conveyance of goods or passengers;
- (c) **Regulating traffic.**—for the exercise of the powers conferred upon the councils of local municipalities by paragraph 123 of section 210.

6. **Installation of services on county land.**—For installing services in land owned by the county in any municipality situated in the county, subject to the approval of the local municipality in which the land is situated, to assist in the disposal of the land for building purposes.

7. **Prohibiting unauthorized parking on county property.**—For the exercise, in respect of property of the county, of the powers conferred upon the councils of local municipalities in respect of property of such municipalities by paragraph 131 of section

210 and such paragraph applies with necessary modifications. R.S.O. 1980, c. 302, s. 225, pars. 7-9.

**229. (1) Definition.**—In this section, “municipality” means,

- (a) a county or a city or other local municipality within a county that has been separated from the county for municipal purposes;
- (b) a local municipality in unorganized territory;
- (c) a metropolitan, regional or district municipality or the County of Oxford. (“municipalité”)

(2) **Gypsy moth control programs.**—By-laws may be passed by the councils of municipalities for establishing and operating aerial spraying programs to control actual or potential infestations of gypsy moths. 1987, c. 10, s. 24(1).

(3) **Idem.**—A program established and operated under subsection (2) shall provide that the aerial spraying shall be carried out, under contract, by a person licensed under the law of Ontario to conduct aerial spraying. 1986, c. 14, s. 1, *part*.

(4) **Agreements with land owners.**—For the purposes of a program established and operated under subsection (2), the council of a municipality may enter agreements with an owner of land for the aerial spraying of the owner’s land and such an agreement shall provide that the municipality’s cost for the spraying of the land shall be paid before commencing the spraying. 1986, c. 14, s. 1, *part*; 1987, c. 10, s. 24(2), *part*.

(5) **Idem.**—Where land to which an agreement under subsection (4) applies is in the possession of a tenant, the agreement shall not come into force until the tenant concurs in the agreement. 1986, c. 14, s. 1, *part*.

(6) **Indemnity agreements.**—The council of a municipality and the Minister of Natural Resources may enter into agreements providing, subject to such terms and conditions as are set out in the agreement, for the indemnification of the municipality by the Province of Ontario for all damages and costs of proceedings resulting from a program established and operated under subsection (2). 1986, c. 14, s. 1, *part*; 1987, c. 10, s. 24(2), *part*.

(7) **Idem.**—No aerial spraying shall be undertaken under a program established and operated under subsection (2) until an agreement, as described in subsection (6), has been entered into by the council of the municipality and the Minister of Natural Resources. 1986, c. 14, s. 1, *part*; 1987, c. 10, s. 24(2), *part*.

**230. (1) Definition.**—In this section, “municipality” includes a metropolitan, regional or district municipality or the County of Oxford. (“municipalité”)

(2) **Participation in provincial programs.**—By-laws may be passed by the councils of municipalities for participating in programs which allow such participation and which are established and administered by a ministry of the Crown in right of Ontario.

(3) **Agreements.**—The council of a municipality may enter into agreements with a minister of the Crown in right of Ontario to provide for the financing and operation of a program under subsection (2). 1989, c. 11, s. 8.

**231. (1) Addition to collector’s roll of dues of members of farm organizations.**—By-laws may be passed by the councils of townships for authorizing the annual dues

of members of any farm organization approved by the Minister of Agriculture and Food to be entered in the collector's roll and collected in the same manner as taxes.

(2) **Limitation.**—A by-law under this section applies only where the annual dues for all members of the farm organization are uniform.

(3) **Continuation of by-law.**—A by-law under this section remains in force until amended or repeal and it is not necessary to pass such by-law annually.

(4) **Entry on collector's roll.**—Upon receipt by the clerk of the township, before the certification of the collector's roll, of written notice from a member of such a farm organization instructing that the annual dues of such member be collected in the same manner as taxes for which the member is liable, the dues of such member shall be entered in the collector's roll in a special column designated by the name of the farm organization.

(5) **Notice to discontinue.**—A member who has given a notice under subsection (4) may by similar notice require the clerk of the township to discontinue the collection of dues.

(6) **Dues not charge upon land.**—Such dues do not form a charge upon land and are not subject to a penalty for non-payment.

(7) **Transfer of dues.**—The treasurer of the township shall deposit the dues collected in a special account or accounts and shall from time to time pay such dues to the treasurer of the proper farm organization. R.S.O. 1980, c. 302, s. 226, *revised*.

**232.** By-laws may be passed by the councils of towns, villages and townships and by police services boards of cities:

1. **Cartage, cabs, etc.**—For licensing, regulating and governing teamsters, carters, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than five kilometres beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence.

(a) **Saving.**—No by-law passed under this paragraph by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

(b) **Cabs, destinations outside municipality.**—A by-law passed under this paragraph for the licensing of owners and drivers of cabs,

(i) may provide that the by-law, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect



of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada),

- (ii) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,
  - (A) children taking the cab both to and from nursery school, school or other full-time education institution, or
  - (B) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality, and
- (iii) may exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

2. **Livery stables.**—For licensing, regulating and governing keepers of livery stables and of horses used for hire.

3. **Boat livery keepers.**—For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such licence.

4. **Insurance for teamsters, cab owners, etc.**—For requiring any or all persons mentioned in paragraphs 1, 2 and 3 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, where such insurance is not so provided, the council or board may refuse, refuse to renew or revoke any licence issued under paragraph 1, 2 or 3.

5. **Sale of newspapers and magazines on streets.**—For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway, and for restricting the operations of such persons to the sale of newspapers and magazines only, and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter, except newspapers and magazines, and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place, and for revoking any such licence.

6. **Taxicab brokers.**—For licensing, regulating and governing taxicab brokers and for revoking any such licence and for requiring taxicab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxicab operated in association with such broker and, where such insurance is not so provided, the council or board may refuse, refuse to renew or revoke any such licence.

- (a) **Definition.**—In this paragraph, “taxicab broker” means any person who accepts calls in any manner for taxicabs that are used for hire and that are not owned by that person or that person’s immediate family or employer. (“agence de taxi”) R.S.O. 1980, c. 302, s. 227.

**233. (1) Licensing and regulating salvage shops, etc.**—By-laws may be passed by the councils of counties, towns, villages and townships and by police services boards of cities for licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

**(2) Definitions.**—In this section,

“dealers in second-hand goods” includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods; (“*négociants de marchandises usagées*”)

“salvage yard” includes an automobile wrecking yard or premises; (“*chantier de récupération*”)

“second-hand goods” includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage. (“*marchandises usagées*”)

**(3) Application of by-law.**—The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this section, either directly or as the agent or employee of another person, to take out a licence.

**(4) Limitation.**—The power of licensing does not apply to persons engaged in any of the objects mentioned in this section for patriotic or charitable purposes.

**(5) Fee.**—The fee to be paid for the licence shall not exceed \$20 for one year.

**(6) County by-laws.**—A by-law of a county passed under this section shall not have force in any municipality in the county after such municipality hereby authorized so to do has passed a by-law for a similar purpose.

**(7) Classes of licence.**—Any licence issued under this section may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his [or her] licence. R.S.O. 1980, c. 302, s. 228, *revised*.

**234. (1)** By-laws may be passed by the councils of counties, townships, towns and villages and of cities having a population of less than 100,000, and by police services boards of cities having a population of not less than 100,000:

**1. Licensing, etc., salespersons.**—For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

**(a) When licence not required.**—No such licence is required for hawking, peddling or selling goods, wares or merchandise.

- (i) to wholesale or retail dealers in similar goods, wares or merchandise,
- (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or an agent or employee of them having written authority so to do, in the municipality in which the grower, producer or manufacturer resides,

- (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of the farmer's own farm,

- (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by that person's agent or employee,
  - (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or
  - (vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
- (b) **Production of authority.**—Such agent or employee shall exhibit his or her authority when required so to do by any municipal or peace officer.
- (c) **Onus of proof that no licence required.**—In a prosecution for a breach of the by-law, the onus of proving that a licence is not required by any person charged for a reason mentioned in clause (a) is upon that person.
- (d) **Certain powers not affected.**—Nothing in this paragraph affects the powers to pass by-laws under paragraph 72 of section 210, paragraph 1 of section 235, and paragraph 16 of section 236.
- (e) **Force of by-law of town, etc., not separated.**—Where the council of a town, village or township not separated from a county has passed a by-law under this paragraph, the by-law of the county is not in force in the town, village or township while the by-law of such town, village or township remains in force.
- (f) **Fees.**—The fee to be paid for the licence under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the licence is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided.
- (g) **Licence to be produced on demand.**—The licensee shall at all times while carrying on business have the licence with him or her and shall upon demand exhibit it to any municipal or peace officer, and if the licensee fails to do so is guilty of an offence, unless the same is accounted for satisfactorily.
- (h) **Penalty.**—If a peace officer demands the production of a licence by any persons to whom the by-law applies and the demand is not complied with, it is the duty of the peace officer and he or she has power to arrest such person without a warrant and to take him or her before the nearest justice of the peace, there to be dealt with according to law.

2. **Supplying licences.**—For providing the treasurer or clerk of the county, or the clerk of any municipality within the county, with licences under by-laws passed under paragraphs 1 and 7 to be issued under such regulations as may be prescribed to persons applying for them.

3. **Prohibiting sale of refreshments on public streets, etc.**—For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling



or delivering goods at any place of business or residence upon such highway or part thereof.

**4. Licensing dealers in fruit.**—For licensing regulating and governing persons not being wholesale dealers residing in Ontario who go from place to place or to a particular place to make sales or deliveries of fruits and garden produce to a retail dealer and for licensing, regulating and governing bakers, butchers and grocers whose place of business is out of Ontario but who go from place to place or to a particular place in Ontario to make sales or deliveries of bread, meat and groceries to any person other than to a retail dealer.

(a) The fee to be paid for the licence shall not exceed \$250.

(b) Clauses (e), (g) and (h) of paragraph 1 apply to a by-law passed under this paragraph.

**5. Limiting number of and licensing victualling houses, etc.**—For limiting the number of and licensing and regulating victualling houses, inns, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public, and for revoking the licence.

(a) The sum to be paid for the licence shall not exceed \$20.

**6. Licensing food shops.**—For licensing, regulating and controlling all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold.

(a) The licence fee shall not exceed the sum of \$10 for one year.

**7. Auctioneers.**—For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a licence to an applicant who is not of good character or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is considered not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or the premises are not suitable for the business and for determining the time the licence shall be in force, and for revoking any such licence.

(a) No such by-law applies to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

(b) A by-law of a county passed under this paragraph does not have force in a town, village or township that has passed a by-law for a similar purpose.

**8. Bill posters.**—For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills that are indecent or tend to corrupt morals.

(a) A by-law of a county passed under this paragraph does not have force in a town, village or township that has passed a by-law for a similar purpose.

(b) A by-law passed under this paragraph may provide that no such licence shall be required by a person who works only as an employee of a person licensed.

R.S.O. 1980, c. 302, s. 230(1); 1989, c. 72, s. 52(3).

(2) **By-law to cover sales on county boundary lines.**—A by-law passed by a council of a county under paragraphs 1 to 4 of subsection (1), whether the same is mentioned or not, covers and includes the boundary line or highway between such county and an adjoining county, and a sale made on such boundary line or highway to a resident of a county in which such by-law is in force is a breach of such by-law in the same manner and with like consequence and effect as if made wholly within the county. R.S.O. 1980, c. 302, s. 230(2).

**235.** By-laws may be passed by the councils of towns, villages and townships and of cities having a population of less than 100,000 and by police services boards of cities having a population of not less than 100,000:

1. **Regulating sale of meat.**—For regulating the storage, handling and sale of fresh meats and of fresh fish and prescribing the equipment and appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licences for the sale of fresh meat in quantities less than by the quarter carcass and of fresh fish and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass and of fresh fish, unless by a licensed person and in a place authorized by the council.

(a) Nothing in this paragraph affects the powers conferred by paragraph 72 of section 210.

(b) The fee to be paid for the licence shall not exceed \$50 in a city and \$25 in a town, township or village.

2. **Licensing and regulating keepers of tobacco stores.**—For licensing, regulating and governing keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail, and for revoking any such licence.

3. **Licensing, etc., street photographers.**—For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place, and for revoking any such licence.

4. **Licensing non-resident transient photographers.**—For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, even if any product is to be delivered in the municipality afterwards, but this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries. R.S.O. 1980, c. 302, s. 231.

**236.** By-laws may be passed by the councils of towns, townships and villages and of cities having a population of less than 100,000 and by police services boards of cities having a population of not less than 100,000:

1. **Billiard, pool and bagatelle tables.**—For licensing, regulating and governing persons who for hire or gain, and proprietary clubs, that directly or indirectly keep, or have in their possession, or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public

entertainment or resort; for limiting the number of licences to be granted and the number of such tables that shall be licensed, and for revoking any such licence.

- (a) **Definition.**—"proprietary club" means all clubs other than those in which the use of any such table is only incidental to the main objects of the club. ("club privé")

2. **Barber shops, etc.**—For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence.

3. **Drain contractors, etc.**—For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks or repair or reconstruct drains, remove tree roots or other obstructions from drains and private drain connections by mechanical or other means, and for revoking any such licence.

4. **Driving schools and instructors.**—For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles and driving instructors employed in such business, and for regulating and governing the equipment used in such business, and for revoking any such licence.

- (a) The licence fee shall not exceed \$50.

5. **Electrical workers.**—For examining, licensing, regulating and governing electrical contractors and master electricians or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both.

- (a) **Definitions.**—In this paragraph,

"journeyman electrician" means a person who has been issued a certificate of qualification in the trade of electrician under the *Trades Qualification Act*; ("ouvrier électricien")

"master electrician" means a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in Ontario and who, alone, or by journeymen electricians in that person's employ, performs electrical work. (maître électricien")

- (b) The by-law does not apply to the employees of a public service commission or corporation.

6. **Exhibitions, bowling alleys, etc.**—For regulating and licensing, subject to the *Theatres Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law, and for revoking any such licence.

7. **Exhibitions of wax works, shows, etc.**—For prohibiting or regulating and licensing exhibitions of wax works, menageries, circus-riding, and other like shows usually exhibited by showpersons, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousels and other like contrivances, and for imposing penalties not exceeding the



amount of the licence fee on offenders against the by-law, and for levying the same by distress and sale of the goods and chattels of the showperson or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showperson or proprietor.

- (a) A licence shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 275 metres from the grounds of the society, or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.
- (b) The fee to be paid for the licence shall not exceed \$500.

**8. Licensing, etc., fuel dealers.**—For licensing, regulating and governing dealers in coal, coke, oil or other fuel, and for revoking or suspending the licence of any such dealer.

- (a) The fee for such licence shall not exceed \$5 per year.
- (b) A by-law passed under this paragraph shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.

**9. Fuel delivery persons.**—For licensing, regulating and governing persons who deliver coal or other fuel, and for revoking any such licence.

**10. Installers of insulation.**—For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such licence.

**11. Refreshment vehicles.**—For licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence.

**12. Plumbers.**—For licensing, regulating and governing plumbing contractors, master plumbers and journeyman plumbers.

- (a) **Definitions.**—In this paragraph,

“journeyman plumber” means a person who has been issued a certificate of qualification in the trade of plumber under the *Trades Qualification Act*; (“ouvrier plombier”)

“master plumber” means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in Ontario and who alone or by journeyman plumbers under his or her supervision performs plumbing work. (“maître plombier”)

- (b) **Licence.**—A certificate of qualification referred to in clause (a) shall be accepted as sufficient qualification for a licence as a journeyman plumber without further examination.

**13. Shoe repair shops, etc.**—For licensing, regulating and governing keepers of shoe repair or shoe shine shops, and for revoking any such licence.

14. **Tag days.**—For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

15. **Tourist and trailer camps.**—For licensing, regulating and governing tourist camps, trailer camps and motels.

(a) **Definitions.**—In this paragraph,

“tourist camp” includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; (“camp pour touriste”)

“trailer camp” means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, even if the vehicle is jacked-up or its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein. (“camp pour roulottes”)

- (b) Any by-law passed under this paragraph may, among other things,
- i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,
  - ii. provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each such lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
  - iii. require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance, except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by a trailer that is assessed under the *Assessment Act*, no licence fee shall be charged.

16. **Licensing and regulating transient traders.**—For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

17. **Requirement as to obtaining licence before doing business.**—For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a licence fee before commencing to trade.

For the purpose of paragraph 16 and this paragraph,

- (a) **Definition.**—"transient trader" includes any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of commencing such business there. ("commerçant itinérant")
- (b) **Stock of insolvent.**—The by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
- (c) **Sale of business.**—The by-law does not apply to the sale of a business to a purchaser who continues the business.
- (d) **Fees.**—Subject to clause (f) [clause (e)], the fee to be paid for a licence in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.
- (e) **Resident fee.**—The fee to be paid for the licence by a farmer, resident in Ontario, who offers for sale only the produce of the farmer's own farm shall not exceed \$5.
- (f) **Credit of fees on taxes.**—The sum paid for a licence shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.
- (g) **Offence.**—Every transient trader who carries on business without a licence is guilty of an offence.
- (h) **Licence to be displayed.**—Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.
- (i) **Application for licence to contain certain information.**—Every applicant for a transient trader's licence shall as part of the application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

18. **By-laws for licensing chimney-repair men, etc.**—For licensing, regulating and governing chimney-repair men and persons engaging in the business of altering, repairing or renovating buildings or structures, or constructing radiation fallout shelters, and for refusing a licence to any applicant who is not of good character or who has not in the municipality a place of business that is assessed for business tax with respect to such business, and for revoking such licence.

- (a) No by-law passed under this paragraph applies to a building contractor whose principal business is the construction of buildings or structures.



- (b) The fee to be paid for a licence shall not exceed \$10. R.S.O. 1980, c. 302, s. 232; 1989, c. 72, s. 52(4, 5).

**237. (1) Definition.**—In this section, “special sale” means any sale or intended sale at retail described by the use of any of the following words or expressions, any enlargement, contraction or combination thereof, or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business: (“vente spéciale”)

|               |                |              |
|---------------|----------------|--------------|
| bankrupt      | fire           | moving out   |
| closing out   | forcée         | receiver     |
| créancier     | forced         | selling out  |
| creditor      | fumée          | séquestre    |
| déménagement  | incendie       | smoke        |
| discontinuing | inondation     | syndic       |
| écoulement    | insolvabilité  | trustee      |
| faillite      | insolvent      | water damage |
| fermeture     | lease expiring |              |
| fin de bail   | liquidation    |              |

(2) **Licensing and regulating special sales.**—By-laws may be passed by the councils of towns, townships and villages and of cities having a population of less than 100,000 and by police services boards of cities having a population of not less than 100,000,

- (a) for licensing and regulating special sales of goods and persons conducting such sales, and for prohibiting special sales of goods without a licence;
- (b) prescribing the conditions on which licences may be issued and revoked, and providing for the revocation of such licences;
- (c) fixing a fee for such licences; and
- (d) for appointing inspectors and providing for the inspection of such goods.

(3) **Application.**—A by-law under this section does not apply to a sale by or under the authority of,

- (a) a receiver or trustee under the *Bankruptcy Act* (Canada) or a liquidator under the *Winding-up Act* (Canada);
- (b) a court or receiver appointed by the court;
- (c) a bailiff, sheriff, executor or administrator; or
- (d) a receiver, liquidator or trustee under any general or special Act.

(4) **Special sale deemed business.**—A special sale shall be deemed to be a business for the purposes of this Act and any other Act that contains provisions with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any business or the person carrying on or engaged in it. R.S.O. 1980, c. 302, s. 233.

**238.** By-laws may be passed by the councils of towns and villages and police services boards of cities:

1. **Bands of music.**—For regulating or prohibiting the playing of bands and of musical instruments in any highway, park or public place except by a military band

attached to any regular corps of the militia of Canada when on duty, under the command of its regular officer.

**2. Licensing of dealers in old gold, etc.**—For licensing, regulating and governing persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom, and for revoking any such licence.

(a) The fee to be paid for a licence shall not exceed \$25 per year.

**3. Salvage shops buying from minors.**—For prohibiting keepers of second-hand goods shops or salvage stores or shops directly or indirectly purchasing from, exchanging with, or receiving in pledge, from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods or articles. R.S.O. 1980, c. 302, s. 234.

**239. (1) Regulating traffic and parades.**—By-laws may be passed by police services boards of cities and by the councils of towns, villages and townships for regulating parades or processions on highways and, from time to time and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to police officers for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged or liable to obstruction.

**(2) Limitation, street railways.**—This section does not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction that may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. R.S.O. 1980, c. 302, s. 235, *revised*.

**240. (1) Definitions.**—In this section,

“group home” means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being; (“foyer de groupe”)

“registrar” means the person designated as the registrar of group homes by the council of a local municipality. (“registrateur”)

**(2) Registration of group homes.**—The council of every local municipality may pass by-laws,

- (a) providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;
- (b) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;

- (c) fixing fees for the registration and renewal of registration of group homes; and
- (d) authorizing the registrar to register and renew registrations required by a by-law passed under clause (a).

(3) **Duty of registrar.**—Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection (2) for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.

(4) **Inspection.**—Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his or her instructions may, under the authority of a search warrant issued under the *Provincial Offences Act*, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.

(5) **Restricted area by-law required.**—No council may pass by-laws under this section unless there is in effect in the municipality a by-law passed under section 34 of the *Planning Act* that permits the establishment and use of group homes in the municipality. R.S.O. 1980, c. 302, s. 236.

**241. County council to make provision for destitute mental defectives, etc.**—The council of every county shall make provision for the whole or partial support within the county of such mentally ill, mentally defective or epileptic destitute persons as cannot be admitted to an institution within the meaning of the *Mental Hospitals Act*, and shall determine the sums to be paid for such support and the persons to whom the same shall be paid. R.S.O. 1980, c. 302, s. 237.

**242. (1) Remuneration of councillors.**—Despite any general or special Act, the council of a municipality may pass by-laws for paying remuneration to the members of council, and such remuneration may be determined in any manner that council considers advisable.

(2) **Idem.**—The remuneration to be paid may be determined in different manners and be of different amounts for different members of council. R.S.O. 1980, c. 302, s. 238.

**243. (1) Expenses.**—Despite any general or special Act, the council of a municipality may provide by by-law for paying in whole or in part such expenses of the members of council and of the officers and employees of the municipality as are actually incurred as a result of their acting either within or outside the municipality in their capacity as members of council or officers of the municipal corporation or employees of the municipality and as are authorized by the by-law.

(2) **Maximum amounts.**—A by-law passed under subsection (1) may set maximum amounts or rates that may be paid in respect of any expense for which payment is authorized by the by-law.

(3) **Expense allowances.**—A by-law passed under subsection (1) may provide for the payment of a specified amount or amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the by-law where the specified amounts or rates, in the opinion of the



council, reasonably reflect the actual expenses that would be incurred. R.S.O. 1980, c. 302, s. 239.

**244. (1) Remuneration of council members as local board members.**—Despite any general or special Act, the council of a municipality may pass by-laws for paying remuneration to a member of council or other person who has been appointed by the council to serve as a member of a local board, as defined in the *Municipal Affairs Act*, or of any other body, in respect of services as a member of that board, or other body, and to a member of council who serves pursuant to this or any other general or special Act, as a member by virtue of office of such a local board or other body, and such remuneration may be determined in any manner that council deems advisable.

**(2) Definition.**—For the purposes of subsection (1) and sections 245, 247 and 248 “other body” does not include a county, or a regional, district or metropolitan municipality or the County of Oxford. (“autre organisme”)

**(3) Application of s. 242(2).**—Subsection 242(2) applies with necessary modifications to a by-law passed under subsection (1) for paying remuneration to persons mentioned in that subsection.

**(4) Definitions.**—In subsection (1), “local board” or “other body” does not include a public utilities commission or a hydro-electric commission. (“conseil local”, “autre organisme”) R.S.O. 1980, c. 302, s. 240.

**245. Expense allowances.**—Despite any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 244(1) as are actually incurred as a result of their acting in their capacity as members of the local board or other body, and as are authorized by the by-law, and subsections 243(2) and (3) apply with necessary modifications to a by-law passed under this section. R.S.O. 1980, c. 302, s. 241.

**246. (1) Remuneration or expenses not to be paid by local board.**—Despite any general or special Act but subject to subsection (2), no remuneration or expense shall be paid by a local board to a person mentioned in subsection 244(1) or subsection 248(1) in respect of his or her membership on the local board.

**(2) Payment of chair and vice-chair.**—Despite subsection (1), where a person mentioned in subsection 244(1) or subsection 248(1) is the chair or vice-chair of a local board, the board may provide for the payment to such chair or vice-chair of such remuneration and expenses as may be established by the council of the municipality, or, where more than one municipality is concerned, as established by the board, and such remuneration or expenses may be in addition to the remuneration or expenses paid to such person under any other section of this Act or under any other general or special Act in respect of his or her membership on the board. R.S.O. 1980, c. 302, s. 242.

**247. (1) Statement by treasurer.**—The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his or her services as a member of council or as an officer of the municipal corporation in the preceding year and to each person mentioned

in subsection 244(1) in respect of his or her services as a member of the local board or other body in the preceding year. R.S.O. 1980, c. 302, s. 243(1).

(2) **Idem.**—A statement submitted under subsection (1) shall also indicate the by-law or resolution and the statutory provision under the authority of which the remuneration or expenses were paid.

(3) **Statements by local boards.**—Where in any year a local board or other body pays remuneration or expenses to a member of the local board or body who was appointed by a municipality or who is a member by virtue of his or her membership on a municipal council, the local board or body shall, on or before the 31st day of January in the next following year, submit to the treasurer of the municipality that the member represents a statement of the remuneration and expenses so paid and the statement shall be itemized to the extent required by the treasurer of the municipality. 1982, c. 24, s. 11.

**248. (1) Agreement re expenses.**—Where two or more municipalities are to be considered as one municipality for the purpose of appointing one or more persons as a member of a local board or other body, those municipalities may by agreement provide for determining and paying the remuneration and expenses of such persons and for apportioning the costs of the payment among each of them.

(2) **Application of ss. 244, 245, 247.**—Sections 244 and 245 apply with necessary modifications to the powers conferred on the two or more municipalities mentioned in subsection (1), and section 247 applies with necessary modifications to the treasurer of each of such two or more municipalities. R.S.O. 1980, c. 302, s. 244.

**249. (1) Remuneration where two or more municipalities appoint members of local board.**—Despite sections 244 and 248, where two or more municipalities appoint members to the same local board, as defined in the *Municipal Affairs Act*, a majority of the municipalities represented by at least one-half of the total number of members on the local board may, by a resolution passed by the council of each municipality on or before the 15th day of February in each year, establish the remuneration to be paid to all members of the local board appointed by municipal councils in respect of their service as a member of that local board.

(2) **Idem.**—A resolution passed under subsection (1) may establish different amounts for or different manners of remunerating different members of the same local boards.

(3) **Expenses.**—Despite sections 245 and 248, subsection (1) applies with necessary modifications to the establishment of the expenses payable to members of the local board where the expenses are incurred as a result of the persons acting in their capacity as members of the local board, and subsections 243(2) and (3) apply with necessary modifications to a resolution passed under this subsection.

(4) **Definition.**—For the purposes of this section, “local board” does not include a public utilities commission or a hydro-electric commission. (“conseil local”)

(5) **Other members.**—This section applies with necessary modifications to a member of council who serves pursuant to this or any other general or special Act as a member by virtue of office of such local board.

(6) **Where no resolution.**—Where no resolution is passed on or before the 15th day of February as provided in subsection (1), a person described in subsection (1) shall be paid such remuneration as was established for the person or his or her predecessor for the preceding year and shall be paid his or her expenses in accordance with the method of reimbursement established for the person or predecessor for the preceding year, whether the remuneration and expenses were established by the local board or the municipality appointing the person.

(7) **Amounts not to be included.**—For the purposes of subsection (6), amounts paid under subsection 246(2) shall not be included as remuneration or expenses established for the preceding year.

(8) **Payment by local board.**—Despite this Act, but subject to subsection 246(2), the remuneration and expenses of a person described in subsection (1) shall be established in accordance with this section and shall be paid by the local board out of the funds of the local board and not by the council of the municipality that appointed the person to the board.

(9) **Definition.**—In this section, “municipality” includes a regional, metropolitan and district municipality and the County of Oxford. (“municipalité”) R.S.O. 1980, c. 302, s. 245.

**250. (1) Conservation authorities.**—Despite sections 244 to 249, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority on or before the 15th day of November in the year preceding the year for which such resolution applies passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 249.

(2) **Effective date of resolution.**—A resolution passed by a conservation authority under subsection (1) in any year shall take effect on the 1st day of January in the immediately following year. R.S.O. 1980, c. 302, s. 246.

**251. (1) Accident, etc., insurance re members of council and local boards.**—The council of a municipality may pass by-laws for providing by contract with an insurer licensed under the *Insurance Act*,

- (a) group accident insurance to indemnify any member of council or of a local board of the municipality, or his or her estate, against loss in case the member is accidentally killed or injured; and
- (b) group public liability and property damage insurance to indemnify any member of council or of a local board of the municipality, or his or her estate, in respect of loss or damage for which the member has become liable by reason of injury to persons or property or in respect of loss or damage suffered by reason of injury to his or her own property,

while travelling on the business of the corporation or the local board or in the performance of duties as a member of council or of the local board either within or outside the municipality.

(2) **Idem.**—Where a local board is composed of members appointed by the councils of two or more municipalities, each council shall have in respect of the



members appointed by it all the powers for providing insurance for a member of a local board that are conferred on a council by subsection (1). R.S.O. 1980, c. 302, s. 247.

**252. (1) Liability insurance, payment of damages, etc.**—The council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
- (b) despite the *Insurance Act*, to enable the municipality to act as an insurer; and
- (c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act*,

for the purpose of protecting the members of the council or of any local board thereof, as defined in the *Municipal Affairs Act*, against risks that may involve liability on the part of the members and for paying premiums therefor or for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or other proceeding, except a proceeding brought under the *Municipal Conflict of Interest Act*, arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty of for paying any sum required in connection with the settlement of an action or other proceeding and for assuming the cost of defending the member in such an action or other proceeding.

**(2) Exception re *Insurance Act*.**—The *Insurance Act* does not apply to a municipality acting as an insurer for the purposes of this section.

**(3) Investment of funds.**—Despite subsections 387(1) and (2) of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under subsection 163(2) of this Act.

**(4) Reserve fund.**—The money raised for a reserve fund of a municipal reciprocal exchange may be spent, pledged or applied to a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. 1988, c. 31, s. 10.

**(5) Local boards.**—A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.

**(6) Former members of council.**—A by-law passed under this section may provide that it applies to a person who was a member of council or a local board, as the case may be, at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be a member of the council or local board.

**(7) Application.**—This section does not apply to an act or omission that occurred prior to the 15th day of December, 1978. R.S.O. 1980, c. 302, s. 248(2-4).

**253. Insurance hospitalization, etc.**—The council of every municipality may pass by-laws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 48 and 49 of section 207 and for any other benefits of a like nature that the council considers appropriate. R.S.O. 1980, c. 302, s. 249.

**254. (1) Remuneration and expenses for certain local board members.**—Despite any other general or special Act, a local board, as defined in the *Municipal Affairs Act*, of a municipality, may provide for the payment of such salary, expenses or allowances for the members thereof that do not come within the class of persons mentioned in subsection 240 (1) [subsection 244 (1)], as may be established by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Ministry.

- (2) **Excluded members.**—No payments shall be made under subsection (1) to,
- (a) the members of a school board;
  - (b) the members of a hydro-electric commission;
  - (c) the members of a public utilities commission;
  - (d) the trustees of a police village; or
  - (e) the members of a board of trustees of a police village. R.S.O. 1980, c. 302, s. 250.

**255. Expense allowance.**—Despite this Act or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in the *Municipal Affairs Act*, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount shall be deemed to be for expenses incident to the discharge of his or her duties as a member of the council or such local board. R.S.O. 1980, c. 302, s. 251.

**256. Appointment of member of council as commissioner, etc.**—A member of the council of a village or township having a population of 3,000 or less may be appointed commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation, and may be paid the like remuneration for his or her services as if he or she were not a member of the council. R.S.O. 1980, c. 302, s. 252.

**257. Expenses for entertaining guests.**—Despite any general or special Act, the council of any municipality may spend in any year such sum as it may determine for the reception or entertainment of persons of distinction or the celebration of events or matters that the council considers to be of interest or importance. 1987, c. 10, s. 25.

## PART XVIII HIGHWAYS AND BRIDGES

**258. (1) Definition.**—In this Part, “county bridge” means a bridge under the exclusive jurisdiction of the council of a county. (“pont de comté”)

(2) **Exception.**—Except as provided by section 272, this Part does not apply to a provincial road or bridge under the control of the Crown. R.S.O. 1980, c. 302, s. 254.

**259. Power to acquire part of highway.**—Where power is conferred by this Part upon a council to pass by-laws for acquiring or for assuming a highway, it includes the power to pass by-laws for acquiring or for assuming part of a highway. R.S.O. 1980, c. 302, s. 255.

**260. What councils to exercise powers re highways and bridges.**—Where power to pass by-laws in respect of a highway or bridge is conferred by this Act on a council, unless otherwise expressly provided it is exercisable only by the council having jurisdiction over the highway or bridge or, if the highway or bridge is under the joint jurisdiction of two or more councils, only by the joint action of such councils, and a by-law by all of them is necessary for the exercise of such power. R.S.O. 1980, c. 302, s. 256.

**261. What constitutes public highways.**—Except in so far as they have been stopped up according to law, all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been spent for opening them or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways. R.S.O. 1980, c. 302, s. 257.

**262. (1) Highways vested in corporation having jurisdiction over them.**—Unless otherwise expressly provided, the soil and freehold of every highway is vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under this or any other Act.

(2) **Reservation of rights in soil.**—In the case of a dedicated highway, such vesting is subject to any rights in the soil reserved by the person who laid out or dedicated the highway. R.S.O. 1980, c. 302, s. 258.

**263. Jurisdiction of councils over highways.**—Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality has jurisdiction over all highways and bridges within the municipality. R.S.O. 1980, c. 302, s. 259.

**264. Exception as to road owned by company, etc.**—Sections 262 and 263 do not apply to roads or bridges owned by companies or individuals. R.S.O. 1980, c. 302, s. 260.

**265. (1) Jurisdiction of county council over highways.**—The council of a county has jurisdiction over every highway and boundary line assumed by the council and every bridge thereon.

(2) **Duty with respect to bridges.**—Where the council of a county has jurisdiction over a highway, the council of the county, at the expense of the county, shall cause



to be erected and maintained or rebuilt or replaced and maintained the bridges on the highway. 1987, c. 10, s. 26, *part*.

(3) **Continued jurisdiction over certain bridges.**—Subject to a by-law passed under subsection 278(1), the council of a county has jurisdiction or joint jurisdiction over all bridges over which it had jurisdiction or joint jurisdiction, as the case may be, on the 12th day of February, 1987. 1987, c. 10, s. 26, *part, revised*.

(4) **Idem.**—The council of the county, at the expense of the county or at the joint expense of the municipalities, as the case may be, shall cause the bridges over which it has jurisdiction under subsection (3) to be rebuilt or replaced and maintained. 1987, c. 10, s. 26, *part, revised*.

**266. Jurisdiction over bridges on county boundaries.**—The councils of the corporations whose duty it is to maintain or to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties have joint jurisdiction over such bridges. R.S.O. 1980, c. 302, s. 262; 1987, c. 10, s. 27.

**267. Jurisdiction over bridges on boundaries between county and city, etc.**—The councils of the corporations whose duty it is to maintain or to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town have joint jurisdiction over such bridges. R.S.O. 1980, c. 302, s. 263; 1987, c. 10, s. 28.

**268. Jurisdiction over boundaries between local municipalities.**—The councils of the local municipalities between which they run have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by this Act are under the jurisdiction of another council or other councils. R.S.O. 1980, c. 302, s. 264.

**269. Jurisdiction where corporation owns bridge, etc., in another municipality.**—Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate, the council of that corporation has jurisdiction over it. R.S.O. 1980, c. 302, s. 265.

**270. Approaches to bridges.**—The council having jurisdiction over a bridge has jurisdiction over the approaches to it for thirty metres at each end of the bridge. R.S.O. 1980, c. 302, s. 267, *revised*.

**271. (1) Agreements between adjoining municipalities as to maintenance of boundary road.**—The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon that it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion.

(2) **Copy of agreement and by-laws to be registered.**—A copy of any agreement made under subsection (1), together with a copy of the by-laws of each of the municipalities authorizing the execution of the agreement, shall be registered in the land registry office of the land registry division in which the highway is situate.

(3) **Effect.**—After the registration of the agreement and by-laws, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair. R.S.O. 1980, c. 302, s. 268.

**272. (1) Proclamation bringing government road or bridge under jurisdiction of municipality.**—The Lieutenant Governor in Council by proclamation may declare that any public road or bridge under the control of the Minister of Transportation shall not be under the control of the Minister after a day named in the proclamation, and such road or bridge after that day ceases to be under the control of the Minister, and no tolls shall be collected thereon. R.S.O. 1980, c. 302, s. 269, *part*.

(2) **Idem.**—After the date named in the proclamation, the road or bridge is under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities is under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part that lies within its municipality, or if it lies between two or more municipalities is under the joint jurisdiction of their councils. R.S.O. 1980, c. 302, s. 269, *part*.

**273. (1) Assumption by county councils of highways.**—The council of a county may by by-law assume as a county road any highway within a town, not being a separated town, or within a village or township. 1987, c. 10, s. 30(1).

(2) **Assent.**—The by-law does not take effect until assented to by the council of the town, village or township.

(3) **County or township boundary.**—The council of a county may also by by-law assume as a county road any county or township boundary line.

(4) **Connecting road in town.**—The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township that connects with a county road.

(5) **Bridges of such highway.**—Where a highway is assumed under this section, the bridges thereon shall also be assumed as county bridges.

(6) **Repeal of by-law.**—A by-law passed under this section may be at any time repealed by the council of the county. R.S.O. 1980, c. 302, s. 270(2-6).

(7) **Effect of repeal.**—When a by-law passed under this section is repealed, the highway and the bridges thereon cease to be under the jurisdiction of the council of the county and fall and are under the jurisdiction of the council or councils that had jurisdiction over the highway at the time of the passing of the by-law for assuming it. 1987, c. 10, s. 30(2).

**274. (1) Assuming highway in adjacent municipality as a public avenue or walk.**—The council of a local municipality may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for

acquiring so much land on either side of such highway as may be required to increase its width.

(2) **Assent of other council.**—The by-law does not take effect until it is assented to by by-law of the council of the adjacent municipality. R.S.O. 1980, c. 302, s. 271.

**275. (1) Abandonment by county of roads.**—The council of a county may by by-law abandon the whole or any part of any road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county. 1982, c. 50, s. 27.

(2) **Clerk to transmit copies of by-law.**—Forthwith after the passing of the by-law, the clerk shall transmit by registered mail to the clerk of every local municipality through or along or on the border of which the road runs a copy of the by-law certified under his or her hand and the seal of the corporation to be a true copy.

(3) **Approval of Municipal Board.**—The by-law does not take effect until it is approved by the Municipal Board, nor does it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

(4) **Jurisdiction after abandonment.**—From and after the taking effect of the by-law, the council of a municipality within which any part of the road so abandoned lies has jurisdiction over that part of it that lies within the municipality and, where any part of a road so abandoned lies between or on the border of two or more local municipalities, the councils of such municipalities have joint jurisdiction over that part of it. R.S.O. 1980, c. 302, s. 272(2-4).

(5) **Exception.**—This section does not apply to a bridge that under this Act is to be maintained wholly or partly by the corporation of the county. R.S.O. 1980, c. 302, s. 272(5), *revised*.

**276. (1) Bridges on highways under different jurisdictions.**—Where a bridge joins or is to join a highway under the jurisdiction of one municipal corporation to a highway under the jurisdiction of another municipal corporation, it is the duty of the municipal corporations whose highways are joined or to be joined to maintain or erect and maintain the bridge.

(2) **Bridges on boundary lines.**—Where a bridge forms part of a boundary line, it is the duty of the municipal corporations that are responsible for maintaining the boundary line to maintain or to erect and maintain all necessary bridges on the boundary line. 1987, c. 10, s. 32, *part*.

**277. (1) Maintenance of boundary lines.**—Boundary lines between local municipalities, including those that also form county boundary lines, shall be maintained by the corporations of such municipalities.

(2) **Exceptions.**—Subsection (1) does not apply to boundary lines assumed by the council of the county or to such bridges as are under this Act to be maintained or erected and maintained by another corporation. 1987, c. 10, s. 32, *part*.

**278. (1) Local municipalities to erect and maintain certain bridges.**—Where a bridge that is not on a county road or that is not on a boundary line assumed by the county is under the exclusive or joint jurisdiction of the council of a county, the



council of the county may transfer by by-law its jurisdiction and control over the bridge to the council or councils of the local municipality or local municipalities in the county that has or have jurisdiction over the highway or boundary line on which the bridge is situate and the transfer may be made on such terms and conditions as the councils may agree upon.

(2) **Approval.**—A by-law passed under subsection (1) does not take effect until it is approved by a by-law of the local municipality or the local municipalities to which the jurisdiction and control over the bridge is being transferred.

(3) **Effect of transfer.**—On the day that a transfer under subsection (1) takes effect, all rights, liabilities and obligations of the county in respect of the bridge are transferred to and are vested in and imposed upon the local municipality or, where the jurisdiction is transferred to the council of more than one local municipality, the local municipalities, jointly. 1987, c. 10, s. 32, *part*.

**279. Maintenance of boundary lines and bridges.**—All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a territorial district, shall be erected and maintained by the corporations of such municipalities and their councils have joint jurisdiction over them and, if the councils fail to agree as to the proportion of the expense to be borne by each corporation, the same shall be determined by arbitration. R.S.O. 1980, c. 302, s. 279, *revised*.

**280. Notice of excavating to owner of utility works.**—Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done. R.S.O. 1980, c. 302, s. 280.

**281. (1) Keeping rivers free from driftwood, etc.**—Where a river or stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

(2) **What corporations to perform the work and apportionment of expense.**—Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection (1) shall be performed by the corporations of the counties and, where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and, in case of failure to agree in either case as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. R.S.O. 1980, c. 302, s. 281.

**282. (1) Keeping stream free from logs, brush, etc., in township.**—Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice

in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality.

(2) **Other township to remove obstructions.**—It is the duty of such last-mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate appoints to inspect the same.

(3) **Effect of failure to perform duty.**—If the corporation receiving the notice neglects to perform such duty and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, is responsible for the damages sustained by any person by reason of such want of repair. R.S.O. 1980, c. 302, s. 282.

**283. Deviations of boundary lines.**—Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened that does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities, and a river, stream, pond or lake that crosses it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. R.S.O. 1980, c. 302, s. 283.

**284. (1) Liability for repair of public roads, etc.**—Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it or upon which the duty of repairing it is imposed by this Act and, in case of default, the corporation, subject to the *Negligence Act*, is liable for all damages sustained by any person by reason of such default.

(2) **Limitation of actions.**—No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.

(3) **Insufficiency of fences, etc.**—No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement, or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

(4) **Snow or ice on sidewalks.**—Except in case of gross negligence, a corporation is not liable for a personal injury caused by snow or ice upon a sidewalk.

(5) **Notice of action.**—No action shall be brought for the recovery of the damages mentioned in subsection (1) unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered mail to the head or the clerk of the corporation, in the case of a county or township within ten days, and in the case of an urban municipality within seven days, after the happening of the injury, nor unless, where the claim is against two or more corporations jointly liable

for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time.

(6) **When failure to give notice of claim is not a bar to action.**—In the case of the death of the person injured, failure to give notice is not a bar to the action and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice is not a bar to the action, if the court or judge before whom the action is tried is of the opinion that the corporation in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the action would be an injustice, even if reasonable excuse for the want or insufficiency of the notice is not established.

(7) **To what roads applicable.**—This section does not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation.

(8) **When corporation not responsible for acts of others.**—Nothing in this section imposes upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon that person by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or licence of its council.

(9) **When corporation not liable for damages.**—A corporation is not liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by that person in common with all other persons affected by the want of repair.

(10) **Relief from obligation to rebuild.**—Where a bridge that it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it, the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the rebuilding of it would entail a larger expenditure than would be reasonable having regard to the use that would be made of the bridge if it were rebuilt.

(11) **Conditions of granting relief.**—The relief may be granted on such terms and conditions as the Board considers just, and such notice of the application shall be given as the Board may direct.

(12) **Costs of pending actions.**—Subsections (10) and (11) do not affect the costs of any pending action. R.S.O. 1980, c. 302, s. 284.

**285. Action for damages for nuisance on highway.**—Subsections 284(2) to (9) apply to an action brought against a corporation for damages occasioned by the presence of any nuisance on a highway. R.S.O. 1980, c. 302, s. 285.

**286. Registration of plan not to create highway repair liability.**—The approval of a plan of subdivision under the *Planning Act* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to



render the corporation liable for repair or for damages resulting from non-repair within the meaning of section 284. R.S.O. 1980, c. 302, s. 286.

**287. (1) Apportionment of damages.**—Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

(2) **Action to be against all corporations.**—Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action.

(3) **What to be taken into account.**—In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. R.S.O. 1980, c. 302, s. 288.

**288. (1) Members of council and employees not liable for non-repair of highways.**—Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by that person in respect of it or to recover such damages or any part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor is against the corporation.

(2) **Contractors not deemed employees.**—A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection (1). R.S.O. 1980, c. 302, s. 289.

**289. (1) Remedy over for damages caused by non-repair against persons causing same.**—Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or an employee or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or an employee or agent of the corporation, the corporation has a remedy over against such other person for and may enforce payment of the damages and costs that are recovered against the corporation.

(2) **Remedy over in same action.**—The corporation is entitled to such remedy over in the same action if the other person is a party to the action and it is established in the action as against that person that the damages were sustained by reason of an obstruction, excavation or opening so placed, made, left or maintained by that person.

(3) **Adding party defendant.**—The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over, and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

(4) **Where person causing damage has not been made a party.**—If such person is not a party defendant, or is not added as a party defendant or third party, or if

the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation has the remedy over, by action against such person, but that person shall be deemed to admit the validity of the judgment obtained against the corporation only where a notice has been served on that person, pursuant to rules of court, or where the person has admitted or is estopped from denying the validity of such judgment.

(5) **When a fresh action is necessary.**—Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. R.S.O. 1980, c. 302, s. 290.

**290. Determination of disputes as to duty to erect and maintain bridge or repair highway.**—When there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Ontario Court (General Division) may upon the application of any or either of the corporations determine the matter in dispute, or the court, if of opinion that the matter in dispute cannot satisfactorily be determined on an application or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the court may in either case order the performance of the obligation by the corporation upon which it is found to rest. R.S.O. 1980, c. 302, s. 291, *revised*.

**291. Disputes as to apportionment of cost of erecting or maintaining.**—Except in the cases provided for by section 294, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. R.S.O. 1980, c. 302, s. 292.

**292. (1) Laying out highway where no original allowance.**—Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

(2) **By-laws.**—The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it that lies within the limits of its municipality.

(3) **Copy of by-law to be sent to other townships.**—The clerk shall within four days after the passing of the by-law transmit by registered mail to the clerk of each of the other townships a copy of the by-law certified under his or her hand and the seal of the corporation to be a true copy.

(4) **Arbitration.**—If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-

law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

(5) **Power of arbitrator.**—The arbitrator shall determine whether or not the proposed highway shall be established and laid out and, if the arbitrator determines that it shall be established and laid out, he or she shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

(6) **Duties of other townships when arbitrator determines that highway should be laid out.**—If it is determined by the arbitrator that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it that will lie within the limits of their respective municipalities, and for otherwise carrying out the award, and shall proceed with all reasonable dispatch to carry into effect the by-law.

(7) **Effect of determination against laying out highway.**—If it is determined by the arbitrator that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrator may by his or her award determine. R.S.O. 1980, c. 302, s. 293.

**293. (1) Disputes as to bridge or highway to be settled by arbitration.**—Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is desired shall be done, and serve a copy of it on the clerks of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

(2) **Award.**—If it is determined by the arbitrator that what is proposed ought to be done, the arbitrator shall in the award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things that on its part are necessary for carrying into effect the objects of the by-law. R.S.O. 1980, c. 302, s. 294.

**294. (1) Determination by county council of disputes as to opening or maintaining township boundary lines.**—Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

(2) **Enforcement by county of opening up or repair on petition of ratepayers.**—Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.



(3) **What matters to be determined by county council.**—The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection (1) what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively and, in the case provided for by subsection (2), whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

(4) **Appointment of commissioners to enforce order.**—The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

(5) **Townships to have opportunity of doing the work.**—If the councils of the townships communicate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the township councils to do it, but, if the work is not proceeded with such dispatch as the commissioners consider necessary, they shall themselves complete the work.

(6) **Apportionment of and collection of cost of work of commissioners.**—The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his or her hands belonging to the corporation, but, if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

(7) **County boundaries not affected.**—This section does not apply to a township boundary line that is also a county boundary line. R.S.O. 1980, c. 302, s. 295.

**295. Determination by Municipal Board of disputes re deviation of county boundary lines.**—Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to,

- (a) the necessity for a deviation of the road from the boundary line;
- (b) the location of the deviation;
- (c) the use of an existing highway in lieu of a deviation; or
- (d) the proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute

and may make any such order as may be deemed just, and such order is final and not subject to appeal. R.S.O. 1980, c. 302, s. 296.

**296. (1) Power of Canadian Automobile Association to erect guide and distance posts, etc.**—The Canadian Automobile Association may, at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and distance posts on the highways to indicate distances and danger signals at hills that may be considered to be dangerous or unsafe for travellers.

**(2) How same to be erected.**—Every such guide post, distance post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or be affixed or attached to it but a notice indicating the purpose that the guide post, distance post or danger signal is designed to serve. R.S.O. 1980, c. 302, s. 297(1, 2).

**(3) Offence.**—Every person who contravenes subsection (2) is guilty of an offence. R.S.O. 1980, c. 302, s. 297(3); 1989, c. 72, s. 52(6).

**(4) Defacing posts erected.**—No person shall cut, throw down, injure or deface any such guide post, distance post or danger signal, and for every contravention of this subsection the person offending is guilty of an offence. R.S.O. 1980, c. 302, s. 297(4); 1989, c. 72, s. 52(7).

**297. (1) Establishing, widening, stopping up, etc., highways, laying out boulevards, etc.**—The council of every municipality may pass by-laws,

- (a) for establishing and laying out highways;
- (b) for widening, altering or diverting any highway or part of a highway;
- (c) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time;
- (d) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway;
- (e) for setting apart and laying out such parts as may be considered expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (f) for permitting subways under and bridges over any highway upon such conditions as the council considers advisable;
- (g) for acquiring land or an interest in land at street intersections for the purpose of rounding corners. R.S.O. 1980, c. 302, s. 298(1); 1982, c. 50, s. 29.

**(2) Exceptions as to exercise of power.**—Nothing in subsection (1) authorizes a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public department, board or officer of Ontario. R.S.O. 1980, c. 302, s. 298(2).

**(3) Minister's approval.**—A by-law passed under clause (1) (b) for altering or diverting any highway or part of a highway or under clause (1)(c) or (d) in respect of an allowance for road reserved in the original survey,

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;
- (c) leading to the bank of any river or stream; or
- (d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister and, where the by-law is one to which subsection (6) applies, it shall not be submitted to the Minister until it has been passed in compliance with subsection (7) or (8), but the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years. 1987, c. 10, s. 33(1).

(4) **Approval of by-law.**—The powers conferred by subsection (1) shall not be exercised without the consent of the Governor General in Council in respect of,

- (a) any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance or the Provincial Secretary of State in whom the Ordinance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her Late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;
- (b) any land owned by the Crown in right of Canada; or
- (c) any bridge, wharf, dock, quay or other work vested in the Crown in right of Canada,

and the consent of the Governor General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been given.

(5) **Limitation of power of county.**—The powers conferred by clause (1)(c) shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county. R.S.O. 1980, c. 302, s. 298(4, 5).

(6) **Notice to clerk of county.**—Where the council of a township that forms part of a county for municipal purposes intends to pass a by-law under clause (1)(c), it shall so notify in writing the clerk of the county by registered mail or by personal service. 1987, c. 10, s. 33(2), *part*.

(7) **Objection to by-law.**—If the council of the county objects to the passing of the proposed by-law in respect of which a notice is given under subsection (6), it shall so notify the clerk of the township, in writing, by registered mail or by personal service within sixty days of the receipt of the notice by the clerk of the county, and thereupon the proposed by-law shall not be passed except by agreement between the council of the county and the council of the township and, failing agreement, the Municipal Board, upon application, may determine the matter and its decision is final.

(8) **Passage of by-law.**—After giving the notice required under subsection (6), the council of the township may pass a by-law under clause (1)(c) where,

- (a) the council of the county has by by-law consented to the passing of the by-law by the township; or
- (b) the sixty-day period referred to in subsection (7) has elapsed and no notice of objection has been received by the clerk of the township from the council of the county,

and the council of the county shall have no further right of objection.

(9) **Closing of highway to vehicular traffic only.**—The council may in any by-law closing a highway provide that the same shall only be closed for vehicular traffic



and not for pedestrian traffic or vice versa, and may provide for the erection of barricades to enforce the due observance thereof.

(10) **Approval of Minister.**—A by-law passed under clause (1)(b) in respect of altering or diverting any highway or part of a highway or under clause (1)(c) does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March, 1946, until it has been approved by the Minister. R.S.O. 1980, c. 302, s. 298(8-11).

(11) **Registration of by-laws.**—A by-law passed under subsection (1), or any predecessor of subsection (1), for closing any street, road or highway or for opening upon any private property, any street, road or highway does not take effect until it has been registered in the land registry office of the land titles division or registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy certified under the hand of the clerk and the seal of the municipality.

(12) **Exception.**—Subsection (11) does not apply, and shall be deemed never to have applied, so as to require the registration of a by-law passed before the 29th day of March, 1873.

(13) **Idem.**—Subsection (11) does not apply so as to require the registration of a by-law passed before the 12th day of February, 1987 in respect of land registered under the *Land Titles Act*.

(14) **Money to be paid into special account.**—All money received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection (3), less any amount spent by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and subsection 51(12) of the *Planning Act*, applies to such account and the money therein. 1987, c. 10, s. 33(3).

**298. (1) Right of ingress and egress not to be taken away by closing road.**—A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from the person's land or place of residence over such highway or part of it unless such person consents to the passing of the by-law or unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to the land or place of residence is provided.

(2) **By-law, when to take effect.**—The by-law does not take effect until the sufficiency of such road or way of access has been agreed upon or until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

(3) **Arbitration to determine sufficiency of road.**—If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act and, if the amount of compensation is also not agreed upon, both matters shall be determined by one and the same arbitration.

(4) **By-law void if road insufficient.**—If the arbitrator determines that the road or way of access provided is insufficient, he or she may in the award determine what road or way of access should be provided and, in that case, unless such last-mentioned

road or way of access is provided, the by-law is void and the corporation shall pay the costs of the arbitration and award. R.S.O. 1980, c. 302, s. 299.

**299. (1) Possession of unopened road allowance.**—A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which the person's land abuts that has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall, as against every person except the corporation the council of which has jurisdiction over the allowance for road, be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it.

**(2) Notice of by-law to be given.**—No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. R.S.O. 1980, c. 302, s. 300.

**300. (1) Publication of by-law, etc.**—Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

- (a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or of a township with a population of less than 40,000, shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and
- (b) the council shall hear any person who claims that the person's land will be prejudicially affected by the by-law and who applies to be heard.

**(2) Notices.**—The clerk shall give the notices upon payment by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. R.S.O. 1980, c. 302, s. 301.

**301. When publication of by-law not required.**—Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation, section 300 does not apply to the by-law. R.S.O. 1980, c. 302, s. 302.

**302. (1) Where no injunction, etc., to be granted.**—Despite any Act, no injunction shall be granted or order made by the judge of any court,

- (a) for the removing of an alteration or diversion made in a highway; or
- (b) for avoiding or setting aside any conveyance or proceedings by which a municipality has acquired land for diverting or altering a highway,

pursuant to a by-law passed prior to the 22nd day of June, 1976, by the council of a municipality pursuant to this or any other general or special Act, by reason only of the fact that the council failed to comply with the conditions mentioned in clauses 300(1)(a) and (b).

**(2) Definition.**—For the purposes of subsection (1), "municipality" includes a regional, metropolitan and district municipality. ("municipalité")

(3) **Saving.**—Nothing in this section affects or prejudices the rights of any person to a claim for damages against the municipality in respect of such alteration or diversion. R.S.O. 1980, c. 302, s. 303(1-3).

(4) **Idem.**—Nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the 22nd day of June, 1976 or in respect of any proceeding commenced on or before that date and finally adjudicated after that date. R.S.O. 1980, c. 302, s. 303(4), *revised*.

**303. (1) Sidelines in double front concessions.**—Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet.

(2) **Term of by-law.**—The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario land surveyor named in the by-law. R.S.O. 1980, c. 302, s. 304(1, 2).

(3) **Appointment of another surveyor by judge.**—A judge of the Ontario Court (General Division), on the application of any person over whose land the connecting road will pass, who objects to the surveyor appointed by the by-law, may appoint another Ontario land surveyor in the place of the one so appointed. R.S.O. 1980, c. 302, s. 304(3), *revised*.

(4) **Application for appointment.**—The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days notice of the time when and the place where it will be heard by the judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality.

(5) **Compensation, determination.**—The surveyor appointed by the by-law or, if another is appointed by the judge, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

(6) **Determination final.**—The determination of the surveyor as to the compensation is final. R.S.O. 1980, c. 302, s. 304(4-6).

**304. Mistakes in opening road allowances.**—Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road that was intended to be, but is not wholly or partly upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened is entitled to bring or maintain an action for or in respect of what was done or to recover possession of the land, but that person is entitled to compensation under and in accordance with the *Expropriations Act* as for land expropriated under the powers conferred by this Act. R.S.O. 1980, c. 302, s. 305.

**305. (1) Sanction of council to laying out of highways.**—No highway shall be laid out in any municipality without the sanction of the council of the municipality.



(2) **Width of highways.**—No highway less than twenty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

(3) **Proviso.**—Nothing in this section affects the *Planning Act*.

(4) **Exception as to lane.**—Subsection (2) does not apply and has never applied to any lane laid out in the rear of lands abutting on another highway or to any outlet connecting such a lane with a highway. R.S.O. 1980, c. 302, s. 306.

**306. (1) Agreement for removal of obstructions to view of drivers.**—The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection. R.S.O. 1980, c. 302, s. 307(1).

(2) **Application to judge for order.**—If the council is unable to make an agreement as provided in subsection (1), it may apply to the judge of the Ontario Court (General Division) for an order compelling the removal or alteration of any object in respect of which the application is made, upon such notice to the owner of the land affected as the judge may direct, and the judge may make an order, subject to the payment of such compensation or upon such other conditions as he or she may fix, compelling the owner of the land to remove or alter the object, or authorizing the municipal corporation to remove or alter the same and for that purpose to enter upon the land. R.S.O. 1980, c. 302, s. 307(2), *revised*.

**307. Opening or improving, etc., highways in unorganized territories.**—The council of a municipality in unorganized territory may pass by-laws for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or unorganized township or in adjoining unsurveyed territory. R.S.O. 1980, c. 302, s. 308.

**308.** By-laws may be passed by the council of every municipality:

1. **Boulevards.**—For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway that may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

2. **Regulations.**—For regulating the construction, maintenance and protection of such boulevards.

3. **Use of highways.**—For placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways and sidewalks, for prescribing the terms and conditions upon which the same are to be placed,

constructed, installed, maintained or used and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable.

- (a) **Restoration.**—A by-law passed under this paragraph may provide that, upon the termination of such privilege, the highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by filling in the area or opening or removing said object, or otherwise as may be required in the by-law.
- (b) **Charge.**—Payment of such annual or other charge and expense incurred by the municipal corporation in restoring the highway or sidewalk to its former condition may be enforced in like manner as taxes that are due and payable.
- (c) **Liability of corporation of damages.**—Subject to section 289, the municipal corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance or use of any such area or opening, or such other object.

4. **Use of airspace over highways.**—For authorizing agreements between the corporation of the municipality and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the costs thereof and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such consideration and upon such terms and conditions as may be agreed and where the corporation of the municipality is the owner of the lands abutting on both sides of a highway, for authorizing the construction and maintenance by the municipality of walks for the use of pedestrians over, across or under the highway and for the leasing or licensing of untravelled portions of such walks and adjoining lands to persons for such consideration and upon such terms and conditions as may be agreed.

5. **Bicycle paths.**—For setting apart and laying out so much of any highway as the council may consider expedient for the purposes of a bicycle path or foot path and for the regulation of the use of such a bicycle path or foot path.

6. **Timber on road allowances.**—For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under the *Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Natural Resources.

7. **Regulations re pits, precipices, etc.**—For making regulations as to pits, precipices and deep waters and other places dangerous to travellers within the municipality or within any defined area or areas thereof.

8. **Stone and gravel pits.**—For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be considered necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose.

9. **Power to enter upon land to take timber, gravel, etc.**—For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land

in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges, or for any other purpose. R.S.O. 1980, c. 302, s. 309, *revised*.

**309. (1) Noise abatement works.**—By-laws may be passed by the council of every municipality for constructing noise abatement works on the untravelled portion of any highway.

(2) **Definition.**—For the purposes of subsection (1), “municipality” includes a metropolitan, regional and district municipality and the County of Oxford. (“municipalité”)

(3) **Local Improvement Act applies.**—The *Local Improvement Act* applies to a county, metropolitan, regional and district municipality and the County of Oxford for the purpose of constructing noise abatement works as if each of them were a municipality as defined in that Act.

(4) **Special assessment and collection of special assessments.**—If a municipality described in subsection (3) (herein referred to as an upper tier municipality) proceeds under the *Local Improvement Act*, a local municipality shall provide all information requested by the upper tier municipality for the purpose of the preparation of the special assessment rolls, and the clerk of the upper tier municipality, after certifying the special assessment rolls, shall forward the same to the treasurer of the local municipality concerned who shall enter the special assessments on the collector’s roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the upper tier municipality. 1987, c. 10, s. 34.

**310. Untravelled portions of highways.**—By-laws may be passed by the council of every local municipality,

- (a) for leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King’s Highway, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed;
- (b) for regulating and controlling the use, including the use for parking purposes, of untravelled portions of highways under the jurisdiction of the council that are not extensions or connecting links of the King’s Highway, which are leased or in respect of which a licence is granted under clause (a). R.S.O. 1980, c. 302, s. 310.

**311. (1) Purchasing or renting machinery.**—Subject to subsection (2), the council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

(2) **Purchase of road-making machinery.**—Where a by-law is passed by the council of a municipality under subsection (1) for the purchase of road-making machinery or appliances, the by-law may provide for the borrowing of money for



the purpose of paying the purchase price for any period not exceeding ten years and for issuing debentures for the money so borrowed or for issuing to the vendor debentures payable within that period in payment of the purchase money. R.S.O. 1980, c. 302, s. 311.

**312. (1) Definition.**—In this section, “tree” includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament. (“arbre”)

(2) **Planting trees on highways.**—Any person may plant trees on a highway with approval of the council of the municipality expressed by resolution.

(3) **Land to which appurtenant.**—Every tree upon a highway shall be appurtenant to the land adjacent to the highway and nearest thereto. R.S.O. 1980, c. 302, s. 313(1-3).

(4) **By-laws.**—The council of every municipality may pass by-laws,

- (a) authorizing and regulating the planting of shade or ornamental trees upon any highway;
- (b) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees adjacent to any highway at the expense of the municipality, and any tree planted under the authority of any such by-law is the property of the owner of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted;
- (c) for preserving trees;
- (d) for prohibiting the injuring or destroying of trees;
- (e) for causing any tree planted upon a highway to be removed when considered necessary in the public interest, but the owner of the land to which the tree is appurtenant shall be given ten days notice of the intention of the council to remove such tree and be recompensed for planting and protecting it and, if the owner so desires, is entitled to remove the tree, but is not entitled to any further or other compensation;
- (f) prohibiting the planting of any species of tree that the council considers unsuited for that purpose and for the removal without notice of such trees growing on a highway or planted thereon contrary to any such by-law;
- (g) authorizing any officer or committee of the council to supervise the planting of trees upon the highways and the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or to remove decayed or dangerous trees or trees that have by by-law of the municipality been directed to be removed;
- (h) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, even if such attachment would not injure or destroy the tree. R.S.O. 1980, c. 302, s. 313(4); 1989, c. 11, s. 9.

(5) **Service of notices.**—Any notice required by subsection (4) may be given by leaving it with a grown-up person residing on the land or, if the land is unoccupied, by posting it in a conspicuous place on the land.

(6) **Consent required to removal, etc.**—Except with the authority of the council or a committee or officer thereof appointed as aforesaid, no person shall remove or cut down or injure any tree growing upon a highway. R.S.O. 1980, c. 302, s. 313(5, 6).

**313. (1) Expenditure for works in any county of a union.**—The councils of united counties may pass by-laws for raising or borrowing money to be spent exclusively in any one of the counties forming the union.

(2) **What members to vote on by-law.**—None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except, in the case of an equality of votes, when the warden has the casting vote.

(3) **What property assessable for rates.**—The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

(4) **Debentures, issue of.**—Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. R.S.O. 1980, c. 302, s. 314.

**314. (1)** The councils of all municipalities may pass by-laws:

1. **Obstruction of highways.**—For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges.

2. **Deposit re damages to sidewalks, etc., upon issue of building permit.**—For regulating the crossing of curbings, sidewalks or paved boulevards by vehicles delivering materials to or removing materials from abutting land on which any building is being erected, altered, repaired or demolished, and for requiring the owners of such abutting land, upon any application for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished thereon, to pay to the municipality a sum of money not to exceed \$25 per metre of the limit of the lot abutting directly on such sidewalk, curbing or paved boulevard as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or other service therein caused by the crossing thereof by such vehicles.

(a) Where a by-law passed under this paragraph requires the payment of a deposit to cover the cost of damage to a sidewalk, curbing or paved boulevard, or to any water service box or other service therein, the by-law shall provide that, upon the completion of the erection, alteration, repair or demolition of the building or buildings on the land abutting such sidewalk, curbing or paved boulevard and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.

- (b) Where any money paid under this paragraph remains unclaimed for a period of six years, the municipal treasurer may cause to be published a notice containing a list of such unclaimed money, including the name of the depositor, and stating that all persons having any claim to any of such money are required to prove their claims within ninety days from the publication of the notice, and, upon the expiration of ninety days from the publication of such notice, the treasurer may transfer all of such money against which no claim has been made to the general funds of the municipality free of and from any and all claims of any kind whatsoever.
- (c) Without limiting the generality of the foregoing, a by-law passed under this paragraph may require that the owner or occupier of the land take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public streets by vehicles going to or coming from the land during the course of the erection, alteration, repair or demolition and may provide that, in addition to any penalty otherwise provided by law, the owner or occupier shall be responsible to the municipality for the cost of removing such building material, waste or soil, and such cost may be deducted from the deposit.

**3. Removal of doorsteps, etc.**—For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist.

**4. Prohibiting building or maintaining fences on highways.**—For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited.

- (a) Unless the by-law otherwise provides, a by-law passed under the authority of this paragraph does not extend or apply to a worm fence that is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.

**5. Prohibiting throwing dirt, glass, etc., on highways.**—For prohibiting the throwing, placing or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse, or the carcass of any animal, on any highway or bridge.

**6. Ditches and culverts.**—For prohibiting the obstruction of ditches or culverts upon highways.

**7. Signs.**—To provide for placing, regulating and maintaining upon the public highways traffic signs for the purposes of guiding and directing traffic. R.S.O. 1980, c. 302, s. 315, pars. 1-7.

**8. Installation of meters for controlling parking of vehicles on highways, and charging of fees for parking.**—For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration



of such parking, for requiring drivers of every vehicle parked on such highways to make use of such meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of such meters or devices and pay such fees.

- (a) **No action except for negligence.**—No municipality or municipal parking authority, except in case of negligence, is liable for personal injury or for damage by reason of the erection, maintenance or operation of such meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.
- (b) **Fees.**—A fee prescribed by a by-law under this paragraph may vary according to the location of the highway or part of a highway on which parking meters or devices are located. R.S.O. 1980, c. 302, s. 315, par. 8; 1982, c. 24, s. 12(1); 1989, c. 84, s. 6.

(9) **Establishment of bus lanes.**—For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and for prohibiting and regulating the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

- (a) **Definition.**—For the purposes of this paragraph “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the municipality, or any other municipality including a metropolitan, regional and district municipality and the County of Oxford, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law. (“véhicule automobile de transport en commun”) 1982, c. 24, s. 12(2), *revised*.
- (b) Where a by-law has been passed by a local municipality for a purpose referred to in this paragraph under the *Municipality of Metropolitan Toronto Act*, the *County of Oxford Act* or an Act establishing a regional municipality and the provision of the Act under which the by-law was passed is repealed, the by-law shall continue in full force and effect until amended or repealed, as if the provision of the Act under which the by-law was passed had not been repealed. 1982, c. 24, s. 12(4), *revised*.

10. **Establishment of bicycle lanes.**—For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by bicycles and for prohibiting and regulating the use thereof by vehicles other than bicycles to such extent and for such period or periods as may be specified, if such regulation is not in conflict with the *Highway Traffic Act* and the regulations thereunder. R.S.O. 1980, c. 302, s. 315, par. 10.

(2) **Notice of proposed by-law.**—Before passing a by-law under paragraph 9 or 10 of subsection (1) for designating a lane on a road for the uses referred to in the

said paragraphs, notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality and the notice shall indicate the date and time of the meeting at which the council will consider the passing of the proposed by-law.

(3) **Validity unaffected.**—Subsection (2) does not apply so as to affect the validity of a by-law passed prior to the 20th day of June, 1978 under paragraph 9 of subsection (1). R.S.O. 1980, c. 302, s. 315, par. 11; 1982, c. 24, s. 12(3), *revised*.

**315. (1) Sale of closed highway.**—Subject to sections 316 and 317, where a highway or any part of a highway over which a municipality has jurisdiction has been closed under this Act, the *Registry Act* or the *Land Titles Act* and the council of the municipality determines to sell the land forming the highway or the part of the highway so closed, the land shall be sold in accordance with this section.

(2) **Sale to abutting owners.**—The council shall by by-law set the sale price of the land to be sold and shall offer to sell it to the owner of the land abutting the land to be sold and where,

- (a) there are parcels of land abutting on opposite sides of the land to be sold, the owner of each parcel has the right of first refusal to purchase the land to its middle line;
- (b) the land to be sold is abutted on one side by a highway that has not been closed or by a stream, river or other body of water over which the public has rights of navigation or of floating timber, the owner whose land abuts the land to be sold on the other side has the right of first refusal to purchase the land;
- (c) the land to be sold does not include the whole width of the former highway, the owner whose land abuts on the land to be sold has the right of first refusal to purchase the land.

(3) **Sale to other persons.**—If a person entitled under subsection (2) to purchase the land does not exercise the right to purchase within such period as may be fixed by by-law, the municipality may sell the land that the person had the right to purchase to any other person at the price set under subsection (2) or at a greater price.

(4) **Sale at lower price.**—Where the municipality is unable to sell the land at or above the sale price set under subsection (2), the council may set a lower price under that subsection and this section applies to a sale at the lower price.

(5) **Sidelines.**—Where land is sold to an abutting owner under this section, the sidelines of the parcels abutting the land to be sold shall be extended to include the land to be sold in such manner as the council considers fair and reasonable.

(6) **Limitation.**—A municipality shall not use the power conferred by this section to sell land that is covered with water. 1987, c. 10, s. 35.

**316. (1) Where owner of land taken for highway entitled to original road allowance.**—Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or a successor in title, if that person owns the land that abuts on such allowance, is entitled to the soil and freehold of it and, to a conveyance of it. R.S.O. 1980, c. 302, s. 317(1), *revised*.

(2) **When more than one owner.**—Where the land that so abuts is owned by more persons than one, each is entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which that person's land abuts to the middle line of the allowance.

(3) **Where owner of land taken owns no land abutting on allowance.**—If the owner of the land appropriated for the highway or a successor in title does not own any land abutting on the allowance and the allowance is sold by the council, the owner or successor is entitled to a part of the purchase money that bears the same proportion to the whole purchase money as the value of the part of the site of the new highway that belonged to the owner bears to the value of the whole site. R.S.O. 1980, c. 302, s. 317(2, 3).

**317. (1) When person in possession entitled to original allowance.**—A person in possession of the whole or any part of an original allowance for road in place of which that person or any predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it is entitled to the soil and freehold of such allowance or part of it and, if it has not already been conveyed, to a conveyance of it.

(2) **Where several persons in possession.**—Where there are more persons than one in such possession, each is entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which that person's land abuts to the middle line of the allowance.

(3) **Requirement as to assumption of road by corporation.**—If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section does not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is, in its opinion, useless to the public. R.S.O. 1980, c. 302, s. 318.

**318. Stopping up highways in unorganized territory.**—The Lieutenant Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a territorial district not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway that has been stopped up or that, in consequence of an alteration or diversion of it, no longer forms part of the highway as altered or diverted. R.S.O. 1980, c. 302, s. 319, *revised*.

**319. (1) Opening up highways where 5 per cent reserved.**—The council of a township in unorganized territory surveyed without road allowances, but in which 5 per cent of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section do not apply.

(2) **Filing plan of roads in Ministry of Natural Resources.**—In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection (1), the corporation shall cause a plan thereof, so far as it affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the plan in the Ministry of Natural Resources. R.S.O. 1980, c. 302, s. 320.



**PART XIX**  
**PENALTIES AND ENFORCEMENT OF**  
**BY-LAWS**

**320. Power to impose fines.**—By-laws may be passed by the councils of all municipalities and by police services boards for providing that any person who contravenes any by-law of the council or of the board, as the case may be, passed under the authority of this Act, is guilty of an offence. 1982, c. 24 s. 13, *part*; 1989, c. 72, s. 52(8).

**321. (1) Illegally parked vehicles, owner's liability.**—A by-law passed for the purposes of section 320 may provide that, where a vehicle has been left parked, stopped or left standing in contravention of a by-law passed under this Act, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

**(2) Payment out of court.**—A by-law passed for the purposes of section 320 may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to the parking, standing or stopping of vehicles has been contravened. 1982, c. 24, s. 13, *part*.

**322. (1) Penalties for contravention of sewage by-laws.**—Despite section 320, the council of a municipality may pass by-laws for providing that any person who contravenes a by-law passed by the council that regulates or prohibits the discharge of any matter into a sewage system is guilty of an offence and for providing for the imposition of fines of not more than \$10,000 on every person who is convicted of a first offence and \$25,000 for any subsequent offence under any such by-law. 1988, c. 31, s. 11, *part*; 1989, c. 72, s. 71, *part*.

**(2) Corporations.**—Despite subsection (1), where a corporation is convicted of an offence under a by-law passed under subsection (1), the maximum penalty that may be imposed upon the corporation is \$50,000 for the first offence and \$100,000 for any subsequent offence. 1988, c. 31, s. 11, *part*; 1989, c. 72, s. 71, *part*.

**323. Statement of clerk, etc., as to licensing or non-licensing.**—For the purpose of any prosecution or proceeding under a by-law for licensing, regulating, governing, classifying or inspecting any trade, calling, business or occupation, a statement as to the licensing or non-licensing of any premises or person in respect of any trade, calling, business or occupation, purporting to be signed by the clerk of a municipality or of a regional or metropolitan municipality or by the chief administrative officer of a police services board or of a licensing commission, is, without proof of the office or signature of the said clerk or officer, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein for all purposes in such prosecution or proceeding. R.S.O. 1980, c. 302, s. 322.

**324. Fines.**—Except as otherwise provided in any Act, every fine imposed for a contravention of a by-law of a municipality or a local board thereof belongs to the municipality. R.S.O. 1980, c. 302, s. 323.

**325. (1) Convictions not invalidated for want of proof of by-law.**—A conviction for a contravention of any by-law shall not be quashed for want of proof of the by-law before the convicting justice, but the court or a judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit or in such other manner as may be considered proper.

**(2) Requirement as to proof.**—Nothing in this section relieves a prosecutor from the duty of proving the by-law or entitles the justice to dispense with such proof. R.S.O. 1980, c. 302, s. 324.

**326. Enforcing performance of things required to be done under by-laws.**—Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years. R.S.O. 1980, c. 302, s. 325; 1987, c. 10, s. 36.

**327. Power to restrain by order when conviction entered.**—Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. R.S.O. 1980, c. 302, s. 326.

**328. Power to restrain by action.**—Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board. R.S.O. 1980, c. 302, s. 327.

**329. (1) Offence.**—A by-law passed under section 224 or 225 may provide that every person who contravenes the by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both. R.S.O. 1980, c. 302, s. 328(1); 1989, c. 72, s. 71, *part*.

**(2) Corporation, maximum penalty.**—Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided therein. R.S.O. 1980, c. 302, s. 328(2); 1989, c. 72, s. 71, *part*.

**330. (1) Order closing premises.**—Where a person is convicted of carrying on or engaging in a trade, calling, business or occupation on, in or in respect of any premises or part thereof without a licence required by a by-law passed under section

224 or 225, the court shall order that the premises or part thereof be closed to any use for any period not exceeding two years.

(2) **Idem.**—Where a person is convicted of a contravention of a by-law passed under section 224 or 225, other than carrying on or engaging in a trade, calling, business or occupation without a licence so to do, and the court decides that the owner or other person occupying the premises or part thereof in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part thereof be closed to any use for any period not exceeding two years. R.S.O. 1980, c. 302, s. 329(1, 2).

(3) **Suspension of closing order.**—Upon the application of any person who has an interest in the premises ordered closed under subsection (1) or (2) and upon,

- (a) being satisfied that the use to which the premises will be put will not be in contravention of any by-law passed under section 224 or 225; and
- (b) the posting by the applicant of a cash bond in the sum of \$10,000 or such greater sum as the court determines, for such term as the court determines, for the purpose of assuring that the premises will not be used in contravention of any such by-law,

the Ontario Court (General Division) may make an order suspending any order made under subsection (1) or (2) for such period and upon such conditions as are specified by the court. R.S.O. 1980, c. 302, s. 329(3), *revised*.

(4) **Discharge of closing order.**—The Ontario Court (General Division) may discharge an order made under subsection (1) or (2) if, upon application, it is satisfied that,

- (a) there has been or will be a change in the effective ownership of the premises subsequent to the commission of an offence described in subsection (1) or (2); and
- (b) the new owner can ensure that there will be no contravention of any by-law passed under section 224 or 225. R.S.O. 1980, c. 302, s. 329(4), *revised*.

(5) **Barring of entry.**—Where an order is made under subsection (1) or (2), the police force responsible for policing in the municipality or regional or metropolitan municipality, shall bar entry to all entrances to the premises or part or parts thereof named in the order until the order has been suspended or discharged pursuant to this section. R.S.O. 1980, c. 302, s. 329(5).

(6) **Forfeiture of bond.**—Where an order made under subsection (1) or (2) is suspended under subsection (3) and a person is thereafter convicted of an offence for contravention of a by-law passed under section 224 or 225 in respect of the premises or part thereof referred to in the order, a judge of the Ontario Court (General Division) may, upon application, order the forfeiture of the bond and the payment to the Crown of the proceeds and may order that the suspension of the order be lifted and that the order be reinstated. R.S.O. 1980, c. 302, s. 329(6), *revised*.

(7) **No appeal.**—No appeal lies from an order made under subsection (6).

(8) **Service of notice.**—The municipality or metropolitan or regional municipality which passed a by-law described in subsection (1) or (2), the contravention of which was the basis for an order made under either such subsection, is a party to any



proceedings instituted under subsection (3), (4) or (6) in respect of such order, and shall be served in accordance with the rules of the court with a copy of the notice initiating the proceedings.

(9) **Where by-law deemed passed by council.**—For the purposes of subsection (8), where the by-law under which the conviction was made was passed by a police services board or by a licensing commission for a municipality, or regional or metropolitan municipality, as the case may be, the by-law shall be deemed to have been passed by the council of the municipality or regional or metropolitan municipality, as the case may be.

(10) **Application for suspension or discharge of closing order.**—Where an appeal is taken from an order made under subsection (1) or (2) or from a conviction in respect of which the order was made, the appellant may apply under subsection (3) for an order suspending the order made under subsection (1) or (2) until the disposition of the matter under appeal, or any person may apply under subsection (4) for a discharge of the order, but the fact that such an appeal is commenced does not stay the order.

(11) **Term of closing order.**—An order made under subsection (1) or (2) shall take effect upon the pronouncement thereof and shall remain in effect during the term of the order, except to the extent that it is suspended under subsection (3) or until it is discharged under subsection (4).

(12) **Description of premises.**—The description of any premises or part thereof affected by an order made under subsection (1) or (2) shall be sufficiently made in such order by reference to the municipal address of such premises.

(13) **Registration.**—An order made under subsection (1) or (2) may be registered in the land registry office in which the title to the place described in the order is recorded. R.S.O. 1980, c. 302, s. 329(7-13).

(14) **Definition.**—In subsections (1) and (2), “court” means the Ontario Court (Provincial Division) or a court to which an appeal may be taken under Part VII of the *Provincial Offences Act*. (“tribunal”) R.S.O. 1980, c. 302, s. 329(14), *revised*.

**331. Application of Part XIX.**—This Part applies with necessary modifications to by-laws passed by the council of a municipality or by a police services board under any other general or special Act except as otherwise provided in such Act. R.S.O. 1980, c. 302, s. 330.

## PART XX POLICE VILLAGES

### TRUSTEES — ELECTION OF, ETC.

**332. (1) Trustees, number.**—There shall be three trustees for every police village.

(2) **General powers.**—The trustees may contract and may sue and be sued and may pass by-laws by and in the name of the trustees of the police village of (*naming it*), but they are not personally liable upon their contracts. R.S.O. 1980, c. 302, s. 331.

**333. (1) Qualifications, trustees and electors.**—Every person is qualified to be elected a trustee or to vote at the election thereof,

- (a) who is entitled to be an elector under section 13 or 14 of the *Municipal Elections Act* for the election of members of the council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; and
- (b) who is not disqualified by this or any other Act from holding the office of trustee or from voting at the election to such office.

**(2) First meeting of trustees.**—The first meeting of the trustees after the election shall be held at noon on a day not later than the second Tuesday in December. R.S.O. 1980, c. 302, s. 332.

**334. Vacancies, how filled.**—If a vacancy occurs in the office of trustee, the remaining trustees or trustee shall appoint, by writing, a trustee to fill the vacancy. R.S.O. 1980, c. 302, s. 333.

**335. (1) Remuneration.**—Any trustee may be paid such remuneration or expenses as is provided by the trustees who shall have all the powers of a council of a municipality under sections 242 and 243.

**(2) Application of s. 247.**—Section 247 applies with necessary modifications to the trustees of a police village. R.S.O. 1980, c. 302, s. 334.

**336. (1) Appointment of inspecting trustee.**—The trustees shall, by writing, appoint one of their number to be inspecting trustee.

**(2) Requirement as to filing appointment of inspecting trustee, etc.**—Forthwith after the making of an appointment under subsection (1) or under section 334, the writing by which the appointment is made shall be filed with the clerk who is the returning officer for the election of the trustees under subsection 4(2) of the *Municipal Elections Act*. R.S.O. 1980, c. 302, s. 335.

**337. (1) Requisition on township council to raise sums to meet expenditure.**—The trustees may at any time before the 1st day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees consider necessary to defray the expenditure of the trustees for the current year.

**(2) Where village situate in more than one township.**—Where the village comprises parts of two or more townships, the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 338.

**(3) Limit of rates.**—The amount that the trustees may require to be so levied shall not in any year exceed a sum that a rate of  $1\frac{1}{2}$  cents in the dollar in the case of a police village in a township or townships in which statute labour has been abolished, and in other cases 1 cent in the dollar, on the rateable property in the village will provide, but this does not apply to a rate imposed or to be levied under section 343, 344 or 346. R.S.O. 1980, c. 302, s. 336.

**338. (1) Apportionment of rate among townships by treasurers.**—Where a village comprises parts of two or more townships, the proportion of the amount required to be levied in each township shall be determined by the treasurers of the townships.

(2) **Meeting of treasurers.**—A meeting of the treasurers shall be held in every second year following the latest determination and the treasurers shall determine the proportion to be levied in each township.

(3) **Determination when treasurers differ.**—If the treasurers differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the treasurers in determining the proportions, and the decision of a majority is final and conclusive.

(4) **Notice of determination to be given to clerk of township.**—The determination of the treasurer or of the treasurers and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships.

(5) **Who to call meeting of treasurers.**—The meeting of the treasurers shall be called by the treasurer of the township in which is situate the larger or largest part of the rateable property of the village.

(6) **How long determination to govern.**—The proportions as determined under this section govern until the next determination is to be made as provided by subsection (2). R.S.O. 1980, c. 302, s. 337.

**339. (1) Reduction of township rates for general purposes.**—The ratepayers of the village are entitled to such deduction from the township rate for general purposes payable by them as may be agreed upon between the trustees and the council of the township or, if the village comprises parts of two or more townships, by the councils of the respective townships or, if they are unable to agree, as shall be determined by a judge of the Ontario Court (General Division). R.S.O. 1980, c. 302, s. 338(1), *revised*.

(2) **Application to O.M.B.**—Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order. R.S.O. 1980, c. 302, s. 338(2).

**340. (1) Performance of statute labour.**—The trustees are entitled to have the statute labour to be performed by the ratepayers of the village performed in the village.

(2) **When council required to commute.**—If the trustees request the council of the township to commute the statute labour payable by the ratepayers in that part of the village that is situate in the township, the council shall provide for such commutation at such rate, not exceeding \$3 per day, as may be requested by the trustees.

(3) **Collection and application of commutation money.**—The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. R.S.O. 1980, c. 302, s. 339.

**341. Powers of trustees.**—The trustees may,

- (a) construct sidewalks and culverts and make, improve, drain and repair the highways in the village;



- (b) make contracts for the supply of light, heat, power, water or other public utilities by any person to the trustees for the purposes of the village or to the residents thereof;
- (c) enter into agreements for the supply of fire protection in the village by any person or corporation,

and do all things necessary for any of such purposes. R.S.O. 1980, c. 302, s. 340.

**342. (1) Payment by township treasurer of orders of trustees.**—The treasurer of a township shall, if he or she has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the inspecting trustee or of any two of the trustees to the extent of,

- (a) the sum required by section 337 to be levied by the council of the township and any sum that the council is required by this Part to place to the credit of the trustees, although the same have not been then collected;
- (b) any money received for licence fees under any by-law of the trustees and for penalties for breaches of any such by-law.

**(2) When order not to be given.**—An order shall not be given under this section except for work actually performed or in payment pursuant to an executed contract. R.S.O. 1980, s. 302, s. 341.

**343. (1) Submission of money by-laws for certain purposes.**—Upon the application of the trustees, the council of a township in which a police village is situated shall pass a by-law for borrowing money for,

- (a) the construction of sidewalks of cement, concrete, brick or other permanent material;
- (b) the purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) lighting the highways in the village;
- (d) supplying water, light, heat or power to the trustees for the purposes of the village or to the residents thereof;
- (e) acquiring land as a site for and erecting thereon a police village hall,

and for the issue of debentures of the corporation of the township for the money borrowed. R.S.O. 1980, c. 302, s. 342(1); 1982, c. 50, s. 31.

**(2) Special rate.**—The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village.

**(3) Expenditure of money borrowed.**—The money borrowed shall be retained in the hands of the treasurer of the township who shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed.

**(4) Undertaking of work.**—When the by-law is passed, the trustees may undertake the work or service.

**(5) Control of fire engines, etc.**—The trustees have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of water, light, heat or power, and of the police village hall.

(6) **Statement to be furnished to clerk of township of amount required to be levied for certain purposes.**—The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service that has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor and for the maintenance and operation of the plant and appliances for the supply of light, heat or power and of the police village hall. R.S.O. 1980, c. 302, s. 342(2-6).

**344. (1) Purchase of fire engines and appliances.**—The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.

(2) **Township to pass debenture by-law.**—Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.

(3) **Special rate.**—The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village. R.S.O. 1980, c. 302, s. 343(1-3).

(4) **Application.**—Subsections 343(5) and (6) apply to a fire engine and appliances purchased under the authority of this section. R.S.O. 1980, c. 302, s. 343(5).

**345. (1) Fire protection agreements.**—The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon, but despite any such agreement no liability accrues to the trustees for failing to supply the use of the firefighting equipment, or any of it.

(2) **Management of joint fire departments.**—For the purposes of the joint management and operation of fire departments under paragraph 5 of section 207, the trustees have all the powers of the council of a township, except the power to issue debentures. R.S.O. 1980, c. 302, s. 344.

#### ESTABLISHMENT OF PARKS, GARDENS, ETC.

**346. (1) Acquiring land for parks, exhibitions, etc.**—Upon the petition of three-fourths of the persons qualified to vote at an election of trustees for a police village, the council of the township in which the police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes. 1982, c. 50, s. 33(1).

(2) **Control and management of parks, etc.**—The trustees have the care, control and management of such highway, park, garden or place.

(3) **Powers of township council as to levying cost of parks, etc.**—The council of the township may provide,

- (a) that the money required for the purpose mentioned in subsection (1) shall be levied upon the rateable property in the village; or
- (b) that such money be raised by the issue of debentures of the corporation of the township.

(4) **Special rates.**—The by-law shall impose the special rate for the payment of the debentures upon the rateable property in the village.

(5) **Statement as to amount required for maintenance of parks, etc.**—The trustees shall annually, before the striking of the rate for the year by the council of the township, furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the highway, park, garden or place for exhibitions, and the same shall be levied upon the land in the village. R.S.O. 1980, c. 302, s. 345(2-5).

**347. (1) Trustees to pass money by-laws where village situate in two or more townships.**—Despite sections 343, 344 and 345, where a police village comprises parts of two or more townships the trustees of the police village have all the powers of a council of a village to pass by-laws for the purposes mentioned in those sections, but this subsection does not authorize the trustees of a police village to issue debentures.

(2) **Proportions of debt.**—A by-law passed under subsection (1) shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 337 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 338.

(3) **Certified copy for each township.**—The trustees shall serve a certified copy of a by-law passed under subsection (1) upon the clerk of each of the townships within which a part of the police village is situate.

(4) **By-law of township for raising money.**—The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-laws of the trustees, and it is not necessary that such by-law impose any rate for the payment of the debentures.

(5) **Special rates.**—The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. 1982, c. 50, s. 34.

## SPECIAL POWERS

**348. (1) Special powers of trustees.**—The trustees have the like power to pass by-laws as is conferred on the council of a village with respect to,

- (a) driving or riding on roads and bridges, by paragraphs 39 and 40 of section 207;
- (b) the granting of land in aid of public libraries, and may grant money to such public libraries;
- (c) vehicles on sidewalks, by paragraph 42 of section 207;
- (d) pounds, by paragraphs 3, 4, 6 and 7 of section 210;
- (e) removal of snow and ice, by paragraphs 60 and 61 of section 210;



- (f) spitting on sidewalks, by paragraph 120 of section 210;
- (g) horses and cattle upon sidewalks, by paragraph 119 of section 210;
- (h) traffic on highways, etc., by paragraph 123 of section 210;
- (i) tobacconists, by paragraph 2 of section 235;
- (j) bagatelle and billiard tables, by paragraph 1 of section 236;
- (k) exhibitions, places of amusement, etc., by paragraph 6 of section 236;
- (l) trees on highways, by section 312, and may grant money to be spent for the planting of shade or ornamental trees upon any such highway;
- (m) fire or fire prevention, by paragraphs 35, 40, 41, 43, 44, 45 and 49 of section 210;
- (n) gunpowder, by paragraph 15 of section 210, and
- (o) rubbish, refuse or debris, by paragraph 82 of section 210, and paragraph 5 of subsection 314(1).

(2) **Fixing amount of licence fee.**—Where power is conferred to license, the licence fee shall be fixed by the trustees, and subsections 109(1), (5), (6), (7) and (8) apply.

(3) **When by-law of township not to apply to village.**—While a by-law passed under subsection (1) is in force, no by-law of the council of the township applicable to the same subject-matter applies to or is in force in the village. R.S.O. 1980, c. 302, s. 347.

**349. (1) Authentication of by-laws.**—Every by-law of the trustees shall be signed by at least two of them.

(2) **Certified copies to be sent to clerk of township.**—A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village. R.S.O. 1980, c. 302, s. 348.

## PROSECUTIONS

**350. Application of s. 320.**—Section 320 applies with necessary modifications to by-laws passed under subsection 348(1) by the trustees of a police village. R.S.O. 1980, c. 302, s. 349.

## INCORPORATION OF TRUSTEES

**351. Present corporation continued.**—Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved. R.S.O. 1980, c. 302, s. 350.

**352. (1) Appointment of chair and secretary.**—At its first meeting in each year of its term, the board shall appoint one of its members to be the chair and shall also appoint a secretary.

(2) **Presiding officer.**—The chair shall, if present, preside at all meetings of the board and in his or her absence the board shall appoint one of its members to act as chair during such absence. R.S.O. 1980, c. 302, s. 351.

**353. (1) Authentication of by-laws.**—The by-laws of the board shall be signed by the chair or acting chair and shall be sealed with its seal.

(2) **Proof of by-laws.**—The provisions of this Act as to the proof of by-laws of a council apply to the by-laws of the board. R.S.O. 1980, c. 302, s. 352.

**354. Repair and maintenance of improvements and works.**—The expenses of repairing and maintaining all works, improvements and services undertaken by the board under the authority of this Act shall be borne by the board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the board, in like manner as the money to be levied as provided by section 337. R.S.O. 1980, c. 302, s. 353.

**355. (1) Remedy over of township against board for damages occasioned by non-repair.**—If the board defaults in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 284 for damages suffered by or occasioned to any person in consequence of such default, the corporation is entitled to the remedy over against the board provided for by section 289.

(2) **Special rate for collection of amount of damages.**—The amount required to satisfy the liability of the board shall be levied and collected by a special rate on the rateable property in the village, and it is the duty of the board to make a requisition in writing to the council of the township to levy and collect the same.

(3) **Apportionment of special rate.**—Where a village comprises parts of two or more townships, the special rate shall be apportioned between the townships in the manner provided by section 338, and shall be levied and collected by the councils thereof in accordance with the requisition of the board. R.S.O. 1980, c. 302, s. 354.

**356. (1) Power to construct water, light, heat, power and gas works.**—The board has the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

(2) **Copy of by-law to be filed with township clerk.**—A copy of every by-law passed under the authority of subsection (1) shall be filed with the clerk of every township in which any part of the village is situate.

(3) **Special rates.**—Where the village is situate in one township, the council of that township shall levy and collect the amount required to be raised under any such by-law by a special annual rate upon the rateable property in the village, and, where the village comprises parts of two or more townships, the council of each township shall levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township.

(4) **Proportion of each township.**—The proportion to be raised by each township shall be determined under section 338.

(5) **Issue of debentures.**—Where it is necessary to issue debentures for any of the purposes of this section, the township or townships in which the village is situate may issue debentures for its due proportion to be determined as aforesaid. R.S.O. 1980, c. 302, s. 355.

**357. (1) Board to have all powers of trustees of a police village.**—The powers expressly conferred on the boards of trustees of police villages are in addition to the powers conferred by this Part on trustees of a police village and, except where

other provision is made by this Part with respect to such boards, all the provisions of this Part relating to trustees of police villages apply to such boards.

(2) **Power to impose fines, etc.**—Sections 320, 325 and 326 apply with necessary modifications to by-laws passed under the authority of this Part by a board of trustees of a police village. R.S.O. 1980, c. 302, s. 356.

## PART XXI IMPROVEMENT DISTRICTS

**358. (1) Default.**—Part III of the *Municipal Affairs Act* applies to improvement districts. R.S.O. 1980, c. 302, s. 357(1), *revised*.

(2) **Saving.**—Despite subsection 22(2) of the *Municipal Affairs Act*, where a local board as defined in that Act exercises any power or jurisdiction in another municipality or in territory without municipal organization as well as in an improvement district, such local board is not by reason only of subsection (1) subject to Part III of the *Municipal Affairs Act*. R.S.O. 1980, c. 302, s. 357(2).

**359. (1) Nature and status.**—Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chair, vice-chair and member by the Lieutenant Governor in Council.

(2) **Remuneration of trustees.**—The trustees appointed under subsection (1) shall be deemed to be members of a council under sections 242 and 243 and section 247 applies with necessary modifications to the secretary-treasurer appointed under subsection (9).

(3) **Special provision re trustees.**—Where, in an improvement district, a secondary school district is established and a separate school is maintained, one of the trustees appointed under subsection (1) shall be a separate school supporter.

(4) **Quorum.**—A majority of the members of the board form a quorum.

(5) **Vacancies.**—If a vacancy occurs on the board through death, resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant Governor in Council.

(6) **Board deemed to be local board.**—Except where otherwise provided by the Municipal Board, the members of the board, with respect to the improvement district, shall be the members of every local board within the meaning of the *Municipal Affairs Act*, except a local board of health, or a board as defined in the *Education Act*.

(7) **Chair.**—The chair of the board, with respect to the improvement district, has the powers and shall perform the duties of a mayor or reeve and the chair of every local board of which the members are the members of the board of trustees and, when the improvement district forms part of a county for municipal purposes, he or she is a member of the county council.

(8) **Vice-chair.**—The vice-chair of the board, during the absence of the chair through illness or otherwise or if the office of chair is vacant, has all the powers



and shall perform the duties of the chair except that he or she shall not act in the place of the chair on a county council.

(9) **Secretary-treasurer.**—The board shall appoint a secretary-treasurer who may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, has the powers and shall perform the duties of,

- (a) the clerk, treasurer and collector of a municipality; and
- (b) the secretary and treasurer of every local board of which the members are the members of the board of trustees.

(10) **Secretary-treasurer eligible as member of county council.**—Where the secretary-treasurer is the chair of the board, he or she is eligible to sit and vote as a member of the county council and paragraph 1 of subsection 37(1) does not apply. R.S.O. 1980, c. 302, s. 358.

**360. Acquisition of land for development.**—Every improvement district may,

- (a) acquire and hold land within the improvement district for development purposes;
- (b) survey, clear, grade and subdivide such land;
- (c) undertake with respect to such land any undertaking, work, project, scheme, act, matter or thing that may be undertaken by a municipality under any Act;
- (d) sell, lease or otherwise dispose of such land; and
- (e) borrow money upon debentures for any of the purposes mentioned in clauses (a) to (d). R.S.O. 1980, c. 302, s. 359.

**361. Exception.**—Subsection 65(1) of the *Ontario Municipal Board Act* does not apply to the incurring of a debt by an improvement district that is payable within a period that does not extend beyond the end of the year next following the year in which the debt is incurred. R.S.O. 1980, c. 302, s. 360.

## PART XXII MUNICIPAL TAXES

**362. All taxes to be levied equally upon all assessments.**—All municipal, local or direct taxes or rates shall, where no other express provision is made, be levied upon the whole of the assessment for real property, business or other assessments made under the *Assessment Act*, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions. R.S.O. 1980, c. 302, s. 361.

**363. (1) Limiting increase in taxes following change in assessment basis.**—Despite section 362, where taxes in a municipality on any rateable property in the municipality increase in any year as a result of a different assessment generally of land in the municipality, the council of the municipality may, in that year, pass a by-law,

- (a) which shall set out the full amount of the increase or decrease in taxation that results solely from such different assessment,
  - (i) on each separately assessed parcel of rateable property in the municipality, or

- (ii) on each separately assessed parcel of rateable property of such class or classes of rateable property as may be defined in the by-law, where the increase or decrease exceeds the greater of the amounts determined under clauses (2)(a) and (b);
- (b) which shall, subject to subsections (2) and (3), with respect to taxes levied in each year for a period not exceeding five years, limit the amount of the increases,
  - (i) where the council proceeds under subclause (a) (i), on the separately assessed parcels of rateable property mentioned in the by-law under that subclause, or
  - (ii) where the council proceeds under subclause (a)(ii), on the separately assessed parcels of rateable property of any one or more of the classes mentioned in the by-law under that subclause; and
- (c) which shall, subject to subsections (2) and (3), provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause (b) be raised within the same period as is set out in the by-law under clause (b),
  - (i) where the council proceeds under subclause (a)(i) by reducing the amount of the decreases on the separately assessed parcels of rateable property mentioned in the by-law under that subclause,
  - (ii) where the council proceeds under subclause (a)(ii), by reducing the amount of the decrease on the separately assessed parcels of rateable property of any one or more of the classes of rateable property mentioned in the by-law under that subclause, even if no parcel in the class or classes receives a benefit under clause (b),
  - (iii) by charging the reduction in whole or in part to the general funds of the municipality, or
  - (iv) by a combination of the methods set out in subclauses (i), (ii) and (iii).

**(2) Calculation of amounts limited or reduced.**—A provision limiting the amount of an increase or reducing the amount of a decrease under subsection (1) shall, in the first year of the operation of the by-law, limit or reduce only the amount of the increase or decrease, as the case may be, that exceeds the greater of,

- (a) \$50 or such greater amount as may be prescribed by the by-law; and
- (b) 10 per cent, or such greater percentage as may be prescribed by the by-law, of the taxes imposed on the separately assessed parcel of rateable property in the year next preceding the year in which the increase occurred,

and that amount shall be known as an “eligible increase” or “eligible decrease”, as the case may be.

**(3) Idem.**—The amount of an eligible increase or eligible decrease that may be limited or reduced in the second and each subsequent year of operation of the by-law shall be an amount that is equal to the amount of that increase or decrease that was limited or reduced in the next preceding year less 20 per cent of the eligible increase or decrease, as the case may be, or such greater percentage as the by-law may provide.

- (4) Powers of council.**—The council may,

- (a) under clauses (1)(b) and (c), limit increases and reduce decreases for different classes of rateable property for different periods of time not exceeding five years;
- (b) under clauses (2)(a) and (b), prescribe different greater amounts or greater percentages or both with respect to amounts of increases to be limited than are prescribed for the amounts of decreases to be reduced and different greater amounts or greater percentages or both may be prescribed for different classes of rateable property; and
- (c) under subsection (3), prescribe different greater percentages for different classes of rateable property.

(5) **Where change in use or character of any land.**—When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation in respect of such land under subsection (1) inappropriate, the council may by by-law exclude increases in taxation in respect of such land from the application of the by-law passed under subsection (1).

(6) **Business assessment.**—An increase or decrease in taxes levied on business assessment within the meaning of the *Assessment Act* against any person shall, for the purposes of this section, be deemed to be an increase or decrease, as the case may be, in taxation on a separately assessed parcel of rateable property. R.S.O. 1980, c. 302, s. 362.

**364. (1) Cancellation, reduction or refund of taxes.**—The council of a local municipality may, in any year, pass by-laws to provide for the cancellation, reduction or refund of taxes levied in the year by the council on the rateable property of any person who makes application in that year to the municipality for such relief and whose taxes are unduly burdensome by reason of an increase in taxes in any year in an amount exceeding 10 per cent, or such greater percentage as may be prescribed in the by-law, of the taxes imposed on the rateable property of such person in the next preceding year resulting from a different assessment generally of lands in the municipality. R.S.O. 1980, c. 302, s. 363(1), *revised*.

(2) **Limitation.**—The maximum amount of the taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection (1) shall be limited to the amount by which the increase attributable to the reassessment exceeds \$50 or such greater amount as may be prescribed in the by-law.

(3) **Charge to general funds.**—The amount of any taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection (1), shall be charged to the general funds of the municipality. R.S.O. 1980, c. 302, s. 363(2, 3).

**365. Rateable property, what to include.**—Where, in this or any other general or special Act or in any by-law passed under any such Act, the yearly rates or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under the *Assessment Act*. R.S.O. 1980, c. 302, s. 364.



**366. (1) Definitions.**—In this section,

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipelines, railway lands, other than railway lands actually in use for residential and farming purposes; (“évaluation des industries et des commerces”)

“equalization factor” means the factor as determined by the Minister of Revenue; (“facteur de péréquation”)

“equalized commercial assessment” means the total of commercial assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments; (“évaluation des industries et des commerces qui a fait l’objet de la péréquation”)

“equalized commercial assessment of the prior year” means the total commercial assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments; (“évaluation des industries et des commerces qui a fait l’objet de la péréquation pour l’année précédente”)

“equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment” means the rate obtained when the total taxes levied on commercial assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized commercial assessment for the prior year; (“taux du millièmè qui a fait l’objet de la péréquation et qui est applicable aux industries et aux commerces à toutes fins autres qu’aux fins scolaires, pour l’année qui précède celle de la répartition”)

“equalized residential and farm assessment” means the total of residential and farm assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments; (“évaluation résidentielle et agricole qui a fait l’objet de la péréquation”)

“equalized residential and farm assessment of the prior year” means the total residential and farm assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments; (“évaluation résidentielle et agricole qui a fait l’objet de la péréquation pour l’année précédente”)

“equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment” means the rate obtained when the total taxes levied on residential and farm assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total

equalized residential and farm assessment of the prior year; ("taux du millièmè qui a fait l'objet de la péréquation et qui est applicable aux propriétés résidentielles à toutes fins autres qu'aux fins scolaires, pour l'année qui précède celle de la répartition")

"equivalent equalized assessment" means the amount determined by dividing that portion of a payment in lieu of taxes not credited to school purposes by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment and multiplying by 1,000; ("évaluation équivalente qui a fait l'objet de la péréquation")

"payment in lieu of taxes" means a payment allocated, received or entitled to be allocated or received in the immediately preceding year from,

- (a) the Crown in right of Canada,
- (b) the Crown in right of Ontario, including payments under the *Assessment Act*, *Housing Development Act*, *Municipal Tax Assistance Act*, *Ontario Water Resources Act*, *Power Corporation Act*, section 15 of the *St. Clair Parkway Commission Act*, and section 13 of the *St. Lawrence Parks Commission Act*,
- (c) section 157,
- (d) a telephone or telegraph company under section 159,
- (e) any other government, government agency or person where such payment is in lieu of taxes on real property and business assessment; ("paiement tenant lieu d'impôts")

"residential and farm assessment" means the assessment for real property except the assessment for real property in clauses (a) and (b) [clauses (a) and (c)] of the definition of "commercial assessment" according to the last revised assessment roll. ("évaluation résidentielle et agricole") R.S.O. 1980, c. 302, s. 365(1); 1984, c. 45, s. 18(2).

(2) **Clerk to provide statement of equalized assessment.**—The clerk of every township, town and village shall, on or before the 15th day of March in each year, provide in writing to the clerk of the county in which the municipality is located, a statement of the equalized assessment of the municipality.

(3) **Interpretation.**—For the purposes of subsection (2), the equalized assessment for the year of a municipality shall be the sum of,

- (a) the equivalent equalized assessment; and
- (b) 85 per cent of the equalized residential and farm assessment; and
- (c) the equalized commercial assessment. R.S.O. 1980, c. 302, s. 365(2, 3).

(4) **Where no certified last revised assessment roll.**—Where the regional registrar of the Assessment Review Board has not certified in any year in accordance with section 37 of the *Assessment Act* the last revised assessment roll of any township, town or village for taxation in that year, the equalized assessment for that year of such municipality for purposes of subsection (2) shall be based on the assessment roll as returned to the clerk of such municipality pursuant to section 35 [section 36] of the *Assessment Act*. R.S.O. 1980, c. 302, s. 365(4); 1982, c. 40, s. 2.

(5) **Adjustment when last revised assessment roll certified.**—Where the equalized assessment of a township, town or village has been computed in accordance with subsection (4) and the calculation of the amount required to be provided for county purposes by such municipality pursuant to subsection (6) is based upon that equalized

assessment, the clerk of such municipality shall forthwith upon receiving the last revised assessment roll for the municipality for taxation in that year forward a statement of the actual equalized assessment for the municipality to the clerk of the county in which the municipality is located and the clerk of the county shall forthwith adjust accordingly the amount to be provided for county purposes by such municipality pursuant to subsection (6) and any overpayment or underpayment by a municipality shall be subtracted from or added to, as the case may be, the amount required from that municipality for county purposes in the subsequent year pursuant to this section.

(6) **County councils to apportion sums required for county purposes.**—The council of every county shall, in each year, on or before the 1st day of April, by by-law, determine the percentage share that each municipality within the county shall contribute for county purposes in the year, according to the proportion that the equalized assessment of each municipality bears to the total of the equalized assessments of all the municipalities within the county and such by-law shall also indicate the amount that each municipality is required to provide for county purposes in that year.

(7) **By-law to be forwarded by county clerk.**—The clerk of the county shall by the 15th day of April in each year forward a copy of the by-law passed under subsection (6) to each municipality required to levy a rate for county purposes.

(8) **Request for review.**—Where, in the opinion of one or more municipalities, its percentage share as set out in the by-law passed under subsection (6) is not just and equitable, one or more of the municipalities may request the council of the county to review the by-law.

(9) **Amendment to by-law.**—Where the council of the county is of the opinion that the percentage share as set out in the by-law passed under subsection (6) is not just and equitable it may, on or before the 24th day of April, amend the by-law to make an apportionment for county purposes that is just and equitable.

(10) **Amended by-law to be forwarded by county clerk.**—Where an amendment is made under subsection (9), the clerk of the county shall, on or before the 30th day of April, forward a copy of the amended by-law to each municipality in the county.

(11) **Appeal to O.M.B.**—A municipality in a county that is not satisfied with the by-law passed under subsection (6) or (9) may appeal on or before the 10th day of May, by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the county, and every municipality that is required to levy for county purposes.

(12) **Hearing by O.M.B.**—Upon receipt of the notice of appeal under subsection (11), the Municipal Board shall arrange a time and place for hearing the appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and dispose of the appeal before the 30th day of June next after the appeal.

(13) **Instalment payments.**—The council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law that the amount required to be provided by each municipality according to the by-law passed under subsection (6) or (9) shall be paid to the county in the following instalments:



1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.
2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.
3. 25 per cent of such current amount on or before the 30th day of September.
4. 25 per cent of such current amount on or before the 15th day of December.

(14) **Idem.**—Despite subsection (13), the council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law for any number of instalments and the amounts and due dates thereof other than those provided in subsection (13).

(15) **Penalties and discounts.**—A by-law passed under subsection (13) or (14) shall provide that in the case of non-payment of any instalment or any portion thereof on the due dates, the municipality so in default shall pay to the county interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default, and where, with the consent of the council of the county, such instalments or any portion thereof are paid in advance of such dates the county shall allow to the municipality a discount thereon from the date of payment to the date upon which payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

(16) **Adjustments.**—Where, as a result of a decision of the Municipal Board on an appeal under subsection (11), there is an adjustment required to be provided for county purposes by any municipality, such adjustment shall be made by a municipality to the remaining instalments under subsection (13) or (14).

(17) **Refunds.**—Where an adjustment under subsection (16) results in an overpayment having been made by a municipality of the total amount required to be provided by such municipality for county purposes in the year, such overpayment shall be refunded to the municipality by the council of the county within sixty days of the decision of the Municipal Board.

(18) **Adjustment by O.M.B.**—Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Municipal Board shall adjust the percentage share that each municipality within the county shall contribute for county purposes. R.S.O. 1980, c. 302, s. 365(5-18).

(19) **Interpretation.**—For the purposes of subsection (1), except in the definition of “payment in lieu of taxes”, “taxes” and “total taxes” shall be deemed not to include taxes levied under section 34 of the Assessment Act. R.S.O. 1980, c. 302, s. 365(19), *revised*.

(20) **Where assessment update carried out.**—This section and sections 367 and 369 do not apply in a county where an assessment update has been carried out under subsection 371(2). 1987, c. 17, s. 1.

**NOTE:** The following s. 366.1 was enacted by 1991, c. 11, s. 5 as s. 365a.

**366.1 (1) Definitions.**—In this section,

“area municipality” means an area municipality as defined in any Act establishing a metropolitan, regional or district municipality and in the *County of Oxford Act*;

“commercial assessment” has the same meaning as in section 370;

“district board” means a district welfare administration board established under the *District Welfare Administration Boards Act* or a board of management established under the *Homes for the Aged and Rest Homes Act*;

“lower tier municipality” means a city, town, village, township or improvement district;

“merged area” means a merged area as defined in an Act establishing a regional municipality;

“regional municipality” means a metropolitan, regional or district municipality as defined in the Act establishing the municipality and includes the County of Oxford;

“residential and farm assessment” has the same meaning as in section 370;

“supporting municipality” means,

- (a) an area municipality,
- (b) a municipality required to provide money to a county for county purposes under subsection 366 (6), and
- (c) a municipality that is located wholly or partly within an area under the jurisdiction of a district board or a conservation authority and against which an apportionment utilizing equalized assessment is to be made in any year by the district board or conservation authority;

“upper tier municipality” means a county or regional municipality.

(2) **Regulations.**—Notwithstanding this Act or any other general or special Act, the Lieutenant Governor in Council may, each year by regulation, prescribe the basis on which apportionments, levies and requisitions are to be made by the councils of upper and lower tier municipalities and by any local board, or class thereof, specified in the regulation.

(3) **Retroactivity.**—A regulation is, if it so provides, effective with reference to a period before it is filed.

(4) **Application for review.**—Where, in respect of any year, the council of a supporting municipality is of the opinion that an apportionment made pursuant to a regulation made under subsection (2) is incorrect because of,

- (a) an error or omission in the amount of the residential and farm assessment or commercial assessment of one or more supporting municipalities;
- (b) an error or omission in the application of a factor used to equalize the residential and farm assessment or commercial assessment of one or more supporting municipalities;
- (c) an error or omission in a calculation; or
- (d) the failure to apply one or more provisions of the regulation,

the council may apply to the Ministry within thirty days after notice of the apportionment was sent to the supporting municipality for a review to determine the correct proportion of the apportionments, levies or requisitions that each supporting municipality or part thereof shall bear in each year.

(5) **Appeal to Municipal Board.**—Any supporting municipality that is dissatisfied with the decision resulting from the Ministry review may, within thirty days after notice of the review was sent to the municipality, appeal in writing to the Municipal Board. 1991, c. 11, s. 5.

**367. County clerk to certify amounts to clerks of municipalities.**—The county clerk shall forthwith after the county rates have been apportioned certify to the clerk of each municipality in the county the total amount that has been so directed to be levied therein for the then current year for county purposes or for the purposes of any such locality, and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R.S.O. 1980, c. 302, s. 366.

**368. Act not to affect provisions for rates to raise interest on county debentures.**—Nothing in this Act or in the *Assessment Act* alters or invalidates any special provisions for the collection of a rate for interest on county debentures in any general or special Act or in any county by-law providing for the issue of debentures. R.S.O. 1980, c. 302, s. 367.

**369. (1) County rate.**—Subject to section 209 but despite this Act or any other special or general Act, the imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county. R.S.O. 1980, c. 302, s. 368(1); 1989, c. 43, s. 2.

(2) **Levy by local municipality.**—When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the rate shall in the local municipality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof. R.S.O. 1980, c. 302, s. 368(2).

**370. Definitions.**—In sections 371 to 381,

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes; (“évaluation des industries et des commerces”)

“lower tier municipality” means a town, village or township in a county, but excludes a separated town or separated township; (“municipalité de palier inférieur”)

“public school board” means a public board as defined in subsection 1 (1) of the *Education Act*; (“conseil d’écoles publiques”)

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real



property mentioned in clauses (a) and (c) of the definition of “commercial assessment”; (“évaluation résidentielle et agricole”)

“separate school board” means a separate school board as defined in subsection 1 (1) of the *Education Act*; (“conseil d’écoles séparées”)

“weighted assessment” means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment. (“évaluation pondérée”) 1987, c. 17, s. 2, *part.*

**371. (1) Definition.**—For the purposes of this section and sections 372, 373, 375 and 376, “county” includes the cities, separated towns and separated townships situate in the county. (“comté”) 1987, c. 17, s. 2, *part.*

**(2) County wide assessment update.**—If the Minister of Revenue considers that within a county, or within any class or classes of real property within a county, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property in the county, or of real property of that class, as the case may be, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each local municipality as will, in the Minister of Revenue’s opinion,

- (a) eliminate or reduce inequalities in the assessment of real property in the county and, for that purpose, the Minister of Revenue may name a day that the assessment commissioner in whose region the county is situated shall return a new assessment roll for the assessment at market value of real property in all municipalities in the county; or
- (b) where the assessment is in respect of a parcel or parcels of real property within any class or classes of real property within a county, eliminate or reduce inequalities in the assessment of any class or classes of real property and, for that purpose, the Minister of Revenue may make regulations,
  - (i) prescribing the classes of real property into which all the real property in the county shall be divided,
  - (ii) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the county,
  - (iii) providing that any equalization of assessment pursuant to a regulation made under subclause (ii) shall not alter, as between classes of real property throughout the county, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

**(3) When direction effective.**—A direction to which clause (2)(a) applies is effective upon publication of a notice of the direction in *The Ontario Gazette*. 1989, c. 11, s. 10(1), *part.*

**(4) Resolution required.**—The Minister of Revenue shall not make a direction under subsection (2) unless the council of the county and the councils of a majority of the local municipalities in the county have requested by resolution that a direction

be made but a resolution is not required where a direction of the Minister of Revenue is made as required under subsection (9). 1987, c. 17, s. 2, *part, revised*.

(5) **Direction upon request.**—A direction under subsection (2) does not apply to a city, separated town or separated township which has not requested that the direction be made unless,

- (a) a direction has been made by the Minister of Revenue under subsection (9); and
- (b) the city, separated town or separated township had requested a direction under subsection (2) before the direction was made under subsection (9). 1989, c. 11, s. 10(2).

(6) **Application of new assessment roll.**—If the assessment roll of a local municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (2),

- (a) the assessment roll to be returned for that local municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

(7) **Exception.**—Despite subsection (6), where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(8) **Status of assessment roll.**—For the purpose of every Act, the assessment roll of a local municipality returned under subsection (6) shall be deemed to be the assessment roll of the local municipality returned under the *Assessment Act*.

(9) **Mandatory return of updated roll every fourth year.**—In every fourth year following the most recent direction under subsection (2), the Minister of Revenue shall make a direction under subsection (2) for changes to be made to the assessment roll of each local municipality.

(10) **Provisions of Assessment Act.**—Except as provided in subsections (2) and (9), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (6).

(11) **Idem.**—Where a direction has been made under subsection (2) in respect of the assessment roll of a local municipality for purposes of taxation in any year, subsections 63 (1) and (3) [subsections 58 (1) and (3)] and sections 59 and 60 of the *Assessment Act* do not apply to that municipality or to the assessment roll of that local municipality in respect of that year and all subsequent years.

(12) **Powers on appeal.**—The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review

Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

(13) **Where property described in class prescribed under subs. (2).**—Even if a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the county under subsection (2), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (2) for the county is not similar to real property described in another class prescribed under subsection (2) for the county, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

(14) **No amendment to collector's roll.**—No amendment shall be made to the assessment or a collector's roll under clause 34 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (2) is at least in the sum of \$5,000 at market value or, if the assessment in the county is at less than market value, at an equivalent rate. 1987, c. 17, s. 2, *part*.

(15) **Taxation of pipe lines.**—For purposes of subsection 25 (16) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (a) applies shall be deemed to be an assessment update of all property within that local municipality under section 63 of the *Assessment Act*.

(16) **Idem.**—For purposes of subsection 25 (17) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (b) applies shall be deemed to be an assessment update of all property within that local municipality under subsection 58 (3) of the *Assessment Act*. 1989, c. 11, s. 10(3).

(17) **Rights of appeal preserved.**—Nothing in section 373, 374 or 375 deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 37 (6) of that Act. 1987, c. 17, s. 2, *part*.

(18) **Retroactive direction or regulation.**—A direction to which clause (2) (a) applies or a regulation made under clause (2) (b) may be made retroactive to the 1st day of December of the year preceding the year in which it was made. 1989, c. 11, s. 10(4).

**372. (1) Different assessment generally throughout the county.**—Sections 373 to 381 apply where a different assessment of lands in a local municipality in the county has been instituted pursuant to a direction of the Minister of Revenue under subsection 371 (2). 1989, c. 11, s. 11.

(2) **Adjustment of levies.**—Despite subsection 162 (2) of this Act or subsection 244 (2) of the *Education Act*, where the amount levied by a local municipality for county purposes or school purposes in the year prior to the year for which a change in assessment is made pursuant to a direction of the Minister of Revenue under



subsection 371 (2), differs from the sum the local municipality ought to have levied for county purposes or school purposes, the local municipality shall debit or credit such deficit or surplus, as applicable, to the general funds of the municipality and not revise the rates to be levied for such body in the next succeeding year. 1987, c. 17, s. 2, *part*.

**373. (1) Determination of school rates.**—In each year, each public school board and separate school board having jurisdiction in part or all of the county shall determine the rates to be levied by the applicable local municipalities in the county to provide the sums required for elementary and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within each such local municipality in the county.

(2) **Idem.**—The determinations required by subsection (1) shall be made in accordance with subsection 250 (1) of the *Education Act*.

(3) **Direction to local municipality.**—On or before the 1st day of March in each year, the school boards mentioned in subsection (1) shall direct the council of each applicable local municipality in the county to levy the rates determined by the board under subsection (1) and shall advise the local municipality of the amounts of money to be raised by levying those rates in the local municipality.

(4) **Local municipality to levy and collect.**—In each year, the council of a local municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the local municipality rateable for public school board or separate school board purposes, as may be appropriate.

(5) **Full value to be used.**—The full value of all applicable rateable property shall be used in determining,

- (a) the weighted assessment for each local municipality for purposes of apportioning among the applicable local municipalities within the county the sums required for school purposes by each public school board and separate school board;
- (b) the rates mentioned in subsection (1); and
- (c) the assessment upon which the rates are to be levied under sections 115, 120 and 243 of the *Education Act*,

and, despite any other Act, but subject to section 23 of the *Assessment Act*, no fixed assessment applies thereto.

(6) **References.**—For the purposes of determining and levying rates under this section, a reference in the *Education Act* to “commercial assessment” or “residential and farm assessment” shall be deemed to be a reference to such assessments as defined in section 370 of this Act and not as defined in section 248 of that Act. (“évaluation des industries et des commerces”, “évaluation résidentielle et agricole”)

(7) **Non-application.**—Subsection 247 (2) of the *Education Act* does not apply to the determination of rates under subsection (1).

(8) **Application of Education Act.**—Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for each public school board and separate school board having jurisdiction in all or part of the county. 1987, c. 17, s. 2, *part*.

**374. (1) Definitions.**—In this section,

“general county levy” means the amount required to be raised in any year for general county purposes including the sums required for any board, commission or other body, but excluding those amounts required for school purposes; (“imposition générale du comté”)

“special county levy” means an amount required to be raised by two or more lower tier municipalities in any year for county road or county library purposes where such amount was not included in the determination of the general county levy. (“imposition extraordinaire du comté”)

(2) **General county rating by-law.**—For purposes of raising the general county levy, the council of the county shall, in each year, on or before the 31st day of March, by by-law direct the council of each lower tier municipality in the county to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the lower tier municipality rateable for county purposes and on the commercial assessment in the lower tier municipality rateable for county purposes.

(3) **Special county rating by-law.**—For purposes of raising a special county levy, the council of the county shall, in each year, on or before the 31st day of March, by by-law direct the council of each applicable lower tier municipality, to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the lower tier municipality rateable for county purposes and on the commercial assessment in the lower tier municipality rateable for county purposes.

(4) **Determination of commercial rates.**—The rate to be levied in each year, on commercial assessment for each separate levy specified in subsections (2) and (3), shall be determined by multiplying the sum required for each such levy by 1,000 and dividing the product,

- (a) by the weighted assessment for all lower tier municipalities in the county, in the case of the general county levy; and
- (b) by the weighted assessment of those lower tier municipalities that is rateable for the purpose of raising the special county levy, in the case of a special county levy.

(5) **Determination of residential rate.**—The rate that the council of the county shall direct to be levied on the residential and farm assessment under subsections (2) and (3) shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (4).

(6) **Lower tier municipality to adopt rates.**—In each year, the council of each lower tier municipality in the county shall levy, in accordance with the rating by-laws passed by the county for that year, the rates specified in the by-law.

(7) **Tax exempt real property.**—The assessment for real property that is exempt from taxation for county purposes by virtue of any Act or by virtue of a by-law passed by the council of a lower tier municipality under any Act shall not be included when determining weighted assessment for the purposes of subsection (4).

(8) **Full value to be used.**—The full value of all rateable property shall be used in determining,

- (a) rates under subsections (4) and (5); and
- (b) the assessment on which a levy shall be made under subsection (6),

and, despite any other Act, but subject to section 23 of the *Assessment Act*, no fixed assessment applies thereto.

(9) **Instalment payments.**—A by-law passed under subsection (2) or (3) shall specify the amount to be raised in a lower tier municipality as a result of a levy being made in that lower tier municipality in accordance with the by-law and the by-law shall provide that the amount to be raised by each lower tier municipality shall be paid to the county in the following instalments:

1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.
2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.
3. 25 per cent of such current amount, on or before the 30th day of September.
4. The balance of the entitlement for the year, on or before the 15th day of December.

and the by-law may provide that the county shall pay interest at a rate to be determined by the council of the county on any payment required, or portion thereof, made in advance by any lower tier municipality.

(10) **Idem.**—Despite subsection (9), the council of a county may, by agreement with a majority of the lower tier municipalities in the counties representing at least two-thirds of the weighted assessment of all the lower tier municipalities in the county, provide by by-law for any number of instalments and due dates thereof other than those provided in subsection (9) and those alternative instalments and due dates shall be applicable to all the lower tier municipalities in the county.

(11) **Payment.**—The amount specified to be raised in a lower tier municipality pursuant to a rating by-law under subsection (2) or (3) shall be deemed to be taxes and is a debt of the lower tier municipality to the county and the treasurer of the lower tier municipality shall pay the amount owing by the lower tier municipality to the treasurer of the county on or before the dates and in the portions specified in the rating by-law.

(12) **Default.**—If a lower tier municipality fails to make any payment, or portion thereof, as provided in a rating by-law passed under subsection (2) or (3), the lower tier municipality shall pay to the county interest on the amount in default at the rate of 15 per cent per annum, or such lower rate as the council of the county may by by-law determine, from the date payment is due until it is made.

(13) **Extension of time.**—The Minister by order may extend the time for passing a rating by-law in any year and such an order may be made even if the time limits set out in subsection (2) or (3) have expired.

(14) **Alternative basis of apportionment.**—Despite subsections (4) and (5), the Lieutenant Governor in Council may, in a regulation made under section 12 of the *Ontario Unconditional Grants Act*, prescribe an alternative basis on which apportionments are to be made and may prescribe the manner of determining the mill rates to be specified and determined under subsections (2) and (3).

(15) **Deeming provision.**—A basis of apportionment prescribed by the Lieutenant Governor in Council under subsection (14) shall be deemed to have been prescribed



under subsection 12 (1) of the *Ontario Unconditional Grants Act* as an alternative to the basis of apportionment that would have been prescribed for the county under subsection 12 (1) if the county had not been subject to an assessment update under subsection 371 (2). 1987, c. 17, s. 2, *part*.

**375. (1) Definitions.**—In this section,

“local municipality levy” means the amount required for local municipality purposes under section 162 including the sums required for any board, commission or other body, but excluding those amounts required to be raised for county and school purposes; (“imposition pour une municipalité locale”)

“special local municipality levy” means an amount to be raised by a local municipality that is not included in the local municipality levy, but excluding those amounts required to be raised for county and school purposes. (“imposition extraordinaire pour une municipalité locale”)

(2) **Local municipality levies.**—The council of each local municipality in a county shall, in each year in accordance with subsections (3) and (4), levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the local municipality levy and the special local municipality levy.

(3) **Determination of commercial mill rates.**—The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product,

- (a) by the weighted assessment for the local municipality, in the case of a local municipality levy; and
- (b) by the weighted assessment that is rateable for the purpose of raising the special local municipality levy, in the case of a special local municipality levy.

(4) **Determination of residential mill rates.**—The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

(5) **Other levies replaced.**—Section 155 of this Act and section 9 of the *Ontario Unconditional Grants Act* do not apply to a local municipality to which this section applies.

(6) **Local municipality levy.**—A reference in any other section of this Act or in any other Act to a levy by a local municipality under section 155 of this Act or section 9 of the *Ontario Unconditional Grants Act* shall, with respect to a local municipality to which this section applies, be deemed to be a reference to a levy under this section or under section 374, as the case may be.

(7) **Tax exempt real property.**—The assessment for real property that is exempt from taxation for local municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of a local municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b). 1987, c. 17, s. 2, *part*.

**376. (1) Interim financing, local municipalities.**—The council of a local municipality in a county may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial assessment and on the rateable residential and farm assessment in the local municipality.

**(2) By-law in December of preceding year.**—A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

**(3) Determination of rate.**—The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

**(4) Assessment roll.**—If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

**(5) Interim levy deducted from final levy.**—The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on the assessment for that year under sections 373, 375 and, if applicable, 374.

**(6) Interim levy in excess of final levy.**—Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 373, 374 and 375, the treasurer of the local municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 373, 374 and 375.

**(7) Application provisions re: levy and collection of taxes.**—The provisions of this Act with respect to the levy of the yearly rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section. 1987, c. 17, s. 2, *part*.

**377. Power of Minister.**—Where a direction has been made under subsection 371 (2) that a new assessment roll be returned for taxation in the current year, the Minister may by order prescribe the maximum rates that may be levied in the current year by the council of each local municipality under subsection 376 (1). 1987, c. 17, s. 2, *part*.

**378. (1) Definitions.**—In this section,

“payment in lieu of taxes” means an amount that a local municipality is eligible to receive under,

- (a) subsection 27 (3), (4) or (5) of the *Assessment Act*,
- (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- (c) section 157 and subsection 158 (4) of this Act,
- (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- (e) section 71 of the *Ontario Water Resources Act*,

- (f) subsection 52 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 52 (9) of that Act,
- (g) section 10 or 11 of the *Trees Act*,
- (h) the *Municipal Grants Act* (Canada), or
- (i) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 445; (“paiement tenant lieu d’impôts”)

“taxes for county purposes” means the amount to be raised by a lower tier municipality for county purposes as specified in rating by-laws passed under subsections 374 (2) and (3), excluding any adjustments under section 33 or 34 of the *Assessment Act*; (“impôts aux fins du comté”)

“taxes for local purposes” means the taxes levied by a lower tier municipality for local purposes under subsection 375 (2), excluding any adjustments under section 33 or 34 of the *Assessment Act*; (“impôts aux fins locales”)

“total taxes for all purposes” means the sum of the amounts levied by a lower tier municipality under sections 373, 374 and 375, excluding any adjustments under section 33 or 34 of the *Assessment Act*. (“total des impôts à toutes fins”)

(2) **Lower tier municipality to share payment in lieu of taxes.**—Where a lower tier municipality in a county is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the county a portion equal to the amount obtained by multiplying the amount that the lower tier municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for county purposes for the year by the total of,

- (a) the taxes for local purposes for the year; and
- (b) the taxes for county purposes for the year.

(3) **Sharing of certain payments.**—Despite subsection (2), if a lower tier municipality is eligible to receive a payment in lieu of taxes for any year under,

- (a) subsection 27 (3), (4) or (5) of the *Assessment Act*,
- (b) section 71 of the *Ontario Water Resources Act*,
- (c) subsection 52 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 52 (9) of that Act;
- (d) section 10 or 11 of the *Trees Act*; or
- (e) the *Municipal Grants Act* (Canada),

and the calculation of the payment is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the lower tier municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for county purposes for the year by the total taxes for all purposes for the year.

(4) **Treasurer to provide estimate of share.**—The treasurer of each lower tier municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the county and each school board showing an estimate of the amount that the lower tier municipality will be required to pay to the county for the year under subsection (2) and to each school board under subsection 7 (10) of



the *Housing Development Act* and under subsection 52 (9) of the *Power Corporation Act*.

(5) **Allocation of payments in lieu of taxes.**—Where a local municipality is required to pay a portion of a payment in lieu of taxes to the county under subsection (2), or to a school board, the provisions of,

- (a) subsections 27 (7) and (9) of the *Assessment Act*;
- (b) subsection 7 (10) of the *Housing Development Act*;
- (c) subsections 160 (12) and (16) [subsections 157 (11) and (15)] and subsection 158 (5) of this Act; and
- (d) subsection 52 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement. 1987, c. 17, s. 2, *part*.

**379. (1) Payment of portion of telephone and telegraph tax.**—Each lower tier municipality in a county shall pay a portion of the tax levied by it under subsections 159 (12) and (13) to the county and appropriate public school boards in the proportion that the taxes levied by it on commercial assessment in the year for each such body bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

(2) **Idem.**—Each city, separated town and separated township shall pay a portion of the tax levied by it under subsections 159 (12) and (13) to the appropriate public school boards in the proportion that the taxes levied by it on commercial assessment in the year for each public school board bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

(3) **Exclusion of taxes added to collector's roll.**—In determining the taxes levied on commercial assessment for the purposes of subsection (1) or (2), there shall be excluded any adjustments under section 32 [section 33] or 34 of the *Assessment Act*. 1987, c. 17, s. 2, *part*.

(4) **Payment of portion of telephone and telegraph tax to school boards.**—Despite subsections (1) and (2), that portion of the tax levied by a lower tier municipality, city, separated town or separated township in a county under subsections 159 (12) and (13) to be paid to the appropriate public school boards shall be shared among all school boards having jurisdiction in the lower tier municipality, city, separated town or separated township, as the case may be, in the proportion that the share of each school board of the residential and farm assessment in the lower tier municipality, city, separated town or separated township bears to the whole of the residential and farm assessment in the lower tier municipality, city, separated town or separated township. 1989, c. 65, s. 43(6).

(5) **Statement by treasurer.**—The treasurer of each local municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the county and the appropriate school boards showing an estimate of the amount which the local municipality will be required to pay to that body for the year under subsection (1), (2) or (4). 1987, c. 17, s. 2, *part*; 1989, c. 65, s. 43(7).

(6) **Non-application.**—Subsections 159 (17) to (25) do not apply to a local municipality to which this section applies. 1987, c. 17, s. 2, *part*.

**380. (1) Payment of payments in lieu and telephone and telegraph levies.—**

An amount payable by a local municipality to,

- (a) the county under subsection 378 (2) or 379 (1);
- (b) a school board under subsection 379 (4); or
- (c) a school board under subsection 7 (10) of the *Housing Development Act* or under subsection 52 (9) of the *Power Corporation Act*,

is a debt of the local municipality to the county or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 31st day of March.
2. A second instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of June.
3. A third instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of September.
4. A fourth instalment of the balance of the entitlement for the year, on or before the 15th day of December. 1987, c. 17, s. 2, *part*; 1989, c. 65, s. 43(8).

(2) **Alternative payment schedule.**—The council of the county may, by agreement each year with a majority of the lower tier municipalities within the county that represent at least two-thirds of the total weighted assessment for all of the lower tier municipalities within the county, provide by by-law for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all the lower tier municipalities in the county.

(3) **Idem.**—Where a school board has jurisdiction within a county in which an assessment update has occurred under subsection 371 (2) and an agreement exists for one or more municipalities in accordance with subsection 243 (3) of the *Education Act*, the number of instalments and due dates specified in that agreement shall apply with necessary modifications to those amounts otherwise payable to the school board under subsection (1).

(4) **General revenues.**—An amount payable by a local municipality under subsection 378 (2), subsection 379 (1) or (2), or under subsection 7 (10) of the *Housing Development Act*, or under subsection 52 (9) of the *Power Corporation Act* shall be credited by the county or school board to its general revenues.

(5) **Default.**—If a local municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the local municipality shall pay to the county or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or county may by by-law determine from time to time.

(6) **Overpayment.**—Where the total amount paid for the year under subsection (1), (2) or (3) exceeds the total amount payable for that purpose in the year, the local municipality shall notify the county or the school board, as the case may be, of the amount of the overpayment and the county or school board shall forthwith pay that amount to the local municipality.

(7) **Treasurer's statement.**—On or before the 31st day of December in each year, the treasurer of each local municipality shall deliver to the bodies entitled to a payment

under subsection (1), (2) or (3) a statement sufficient to enable the body to determine the correctness of the amount payable in the year.

(8) **Transition.**—Despite subsection (1), in the first year where an assessment update under subsection 371 (2) is instituted as a result of a request under subsection 371 (3), the instalments payable under paragraphs 1, 2 and 3 of subsection (1) shall each be equal to 25 per cent of the amounts estimated under subsections 378 (4) and 379 (5). 1987, c. 17, s. 2, *part*.

**381. (1) Conservation authority apportionments.**—Where changes are made in the assessment rolls of local municipalities under a direction of the Minister of Revenue under subsection 371 (2) and the changes directly affect the relative cost sharing of conservation authority responsibilities for any municipality beyond the county or cause within the county substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations prescribing an alternative basis of apportionment to that specified under the *Conservation Authorities Act*.

(2) **Regulation may be retroactive.**—A regulation made under subsection (1) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made. 1987, c. 17, s. 2, *part*.

**382. Who liable for taxes, lien on lands.**—The taxes due upon any land with costs may be recovered with interest as a debt due to the municipality from the owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving that person's recourse against any other person, and are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the municipality or of any agent or officer, or by want of registration. R.S.O. 1980, c. 302, s. 369.

**383. (1) Recovery of taxes by action.**—The taxes payable by any person may be recovered with interest and costs as a debt due to the municipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the municipality, is, in the absence of evidence to the contrary, proof of the debt. R.S.O. 1980, c. 302, s. 370(1).

(2) **Liability for taxes on business in case of death or change of residence.**—Despite this Act but subject to section 442, every person assessed in respect of business upon any assessment roll that has been revised by the Assessment Review Board is liable for any rates that may be levied upon such assessment roll despite the death or removal from the municipality of the person assessed and even if such rates are not levied until the year following that in which the assessment roll was revised. R.S.O. 1980, c. 302, s. 370(2); 1982, c. 40, ss. 2, 4(1).

**384. (1) Paying rent to collector or treasurer until taxes paid.**—Where taxes are due upon any land occupied by a tenant, the collector or, after the roll has been returned, the treasurer, may give the tenant notice in writing requiring the tenant to pay such collector or treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs, and the collector



or treasurer has the same authority as the landlord of the premises would have to collect the rent by distress or otherwise to the amount of the unpaid taxes and costs.

(2) **Other remedies continue.**—Nothing in this section prevents or impairs any other remedy for the recovery of the taxes or any portion thereof from the tenant or from any other person liable therefor. R.S.O. 1980, c. 302, s. 371, *revised*.

**385. When tenant may deduct taxes from rent.**—Any tenant may deduct from the rent any taxes paid by the tenant that as between the tenant and the landlord the latter ought to pay. R.S.O. 1980, c. 302, s. 372.

**386. Provincial taxes.**—All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of Ontario or other public officer for the public uses of Ontario, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collector's rolls in separate columns, in the heading whereof shall be designated the purpose of the rate. R.S.O. 1980, c. 302, s. 373.

**387. (1) Clerks of municipalities to make out collector's rolls, their form, contents, etc.**—The clerk of every municipality shall make a collector's roll or rolls, as may be necessary, containing columns for all information required by this or any other Act to be entered by the collector therein, in the following manner:

1. The clerk shall set down the name in full of every person assessed, and in the proper columns in that behalf the amount for which the person is assessed in respect of real property and otherwise under the *Assessment Act* as ascertained after the final revision of the assessment roll.
2. He or she shall calculate and, opposite the assessed value, shall set down in one column dedicated to the county rates the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column dedicated to the general rate the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the municipality for the purposes thereof, and including any special rate for collecting the principal or interest for the payment of debentures issued.
3. He or she shall set down in other columns any local improvement rate or school rate or other special rate, or sums for the commutation of statute labour or any sum that is required by any other Act to be placed on the collector's roll the proceeds of which are required by law or by the by-law imposing it to be kept distinct and accounted for separately.
4. Every rate referred to in paragraph 3 shall be calculated separately and the column therefor shall be dedicated to the special rate, local improvement rate, public school rate, separate school rate or special rate for school debts or as may be appropriate.
5. Each column shall be given a clear heading in English only or English and French indicating the rate to which it is dedicated. R.S.O. 1980, c. 302, s. 374(1), *revised*.

(2) **Preparation of collector's roll.**—Despite subsection (1) or the *Education Act*, the council of any municipality may by by-law provide that the clerk shall set down

the name in full of every person assessed and the assessed value of that person's real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value the clerk shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the council or school boards for the purposes thereof. R.S.O. 1980, c. 302, s. 374(2).

(3) **Collector's roll, mechanical methods.**—The form of the collector's roll may be varied to facilitate the use of,

- (a) mechanical methods in the preparation of the roll;
- (b) mechanical methods of accounting and bookkeeping and, where the methods in this clause are used, the treasurer may exercise the powers and perform the duties of the collector and the clerk in respect of the roll.

(4) **Information to be given in tables appended to rolls.**—Appended to every roll made up under subsection (2) there shall also be a table setting forth,

- (a) the total amount of taxes to be collected under and by virtue of such roll or rolls; and
- (b) the name and amount of each rate levied by the municipality that is required by law or by the by-law imposing it to be kept distinct and accounted for separately and specifying the aggregate proceeds of each rate,

and the clerk shall, before delivering the roll to the collector, furnish to the treasurer of the municipality a copy of the table.

(5) **Certain names to be omitted from collector's roll.**—Despite this Act or any other Act, the council of any local municipality may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of their lease to pay the taxes or where the owner is not liable to pay the taxes. R.S.O. 1980, c. 302, s. 374(16-18).

**388. (1) Minimum tax.**—The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than,

- (a) \$10 or such other amount as may be prescribed from time to time by the Minister; or
- (b) such other amount as may be determined by council, which amount shall not exceed \$10, or, where another amount has been prescribed by the Minister, such other amount,

the sum of such taxes shall be deemed to be \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, as the case may be, and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, shall form part of the general funds of the municipality.

(2) **Minister's order.**—The Minister may, by order, prescribe amounts for the purpose of subsection (1).

(3) **Existing combined assessments to be continued.**—Where, immediately prior to the passing of a by-law by any municipality under subsection (1), lots therein owned by the same person were assessed together under paragraph 3 of subsection 14 (2) of the *Assessment Act*, such lots shall continue to be so assessed as long as they all remain the property of that person, but nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed.

(4) **Requirement for combined assessment.**—Where, at any time after the passing of a by-law by any municipality under subsection (1), lots therein that adjoin one another are shown on the same registered plan and are owned by the same person, the person may by notice in writing to the assessment commissioner require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as the person continues to be the owner. R.S.O. 1980, c. 302, s. 375.

**389. Collector’s roll to be certified by clerk.**—The clerk shall attach to the roll a certificate signed by him or her according to the following form in English only or in English and French:

I do certify that the within (*or annexed, or attached, or as the case may be*) Roll is the Collector’s Roll prepared according to the *Municipal Act* for the .....  
..... of .....  
..... (name of municipality) for the year 19...  
A.B.

Clerk of the .....

and shall deliver the roll so certified to the collector on or before the 1st day of September, or such earlier date as may be prescribed by by-law of the municipality. R.S.O. 1980, c. 302, s. 376.

**390. Correction of roll to carry out changes in assessment.**—If alterations are made in the assessment roll, in accordance with the *Assessment Act*, after the collector’s roll or rolls for the municipality for the year for which such assessment has been made have been prepared, the clerk of the municipality shall alter or amend the collector’s roll or rolls to correspond with such alterations, and insert the proper rates therefor, and the rates or taxes shall be collectable in accordance with such corrected rolls in the same manner and with the like remedies as if they had been in the rolls when first prepared and certified by the clerk of the municipality. R.S.O. 1980, c. 302, s. 377.

**391. Duties of collectors.**—The collector, upon receiving his or her roll, shall proceed to collect the taxes therein mentioned. R.S.O. 1980, c. 302, s. 378.

**392. (1) Notice of taxes by collector.**—In local municipalities, the collector shall give to the person taxed a written or printed notice specifying the amount of the taxes payable by delivering the notice or causing it to be delivered to or for that person at the person’s residence or place of business or upon the premises in respect of which the taxes are payable, and may call on the person taxed at the person’s usual residence or place of business if within the municipality in and for which the



collector has been appointed and demand payment of the taxes. R.S.O. 1980, c. 302, s. 379(1); 1982, c. 50, s. 35(1).

(2) **How may be given.**—In local municipalities, the council may by by-law authorize the collector, clerk or treasurer to mail the notice or cause it to be mailed to the address of the residence or place of business of such person. R.S.O. 1980, c. 302, s. 379(2); 1982, c. 50, s. 35(2).

(3) **Particulars in tax notice.**—The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 387. R.S.O. 1980, c. 302, s. 379(3).

**393. (1) By-law may authorize two separate tax notices.**—Despite section 392, in local municipalities, the council may by by-law authorize the preparation and giving of two separate notices, one notice specifying the amount of taxes payable for all purposes except school purposes and one notice specifying the amount of taxes payable for school purposes, and where a by-law has been passed under this subsection, the collector shall give the notices prepared in accordance with this section and shall not give a notice prepared in accordance with section 392. R.S.O. 1980, c. 302, s. 380(1); 1982, c. 50, s. 36.

(2) **Contents of notices.**—Where a council has passed a by-law under subsection (1), each notice prepared pursuant to such by-law shall have written or printed thereon or attached thereto a schedule specifying the rate or rates, as the case may be, and the total thereof used in calculating the taxes referred to in the notice and also containing any information required to be entered in the collector's roll under section 387 that pertains to the taxes referred to in the notice.

(3) **Idem.**—A notice prepared pursuant to a by-law under subsection (1) that specifies the amount of taxes payable for school purposes shall clearly indicate the tax imposed for public, secondary and separate school purposes.

(4) **Application of certain provisions.**—The provisions of subsections 392 (1) and (2), relating to the manner of delivering or mailing of the notice, and section 394 apply with necessary modifications to a notice prepared pursuant to a by-law passed under this section, and such notice shall be deemed for all purposes to be a notice given under section 392. R.S.O. 1980, c. 302, s. 380(2-4).

**394. (1) Entry of date of giving notice.**—The collector shall at the time of such demand or notice, as the case may be, or immediately thereafter, enter or cause to be entered on the roll opposite the name of the person taxed the date of such demand or of the delivery or mailing of the notice.

(2) **Initials to entries.**—Every person so entering any such date shall append his or her initials thereto, and the entry is, in the absence of evidence to the contrary, proof of such demand or notice. R.S.O. 1980, c. 302, s. 381.

**395. Proceedings in case of non-residents.**—If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to that person by mail, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against that

person in the roll, and shall at the time of such transmission enter or cause to be entered the date thereof in the roll opposite the name of such person, and the entry is, in the absence of evidence to the contrary, proof of the transmission and of the time thereof, and the statement and demand shall contain, written or printed on some part thereof, the name and post office address of the collector. R.S.O. 1980, c. 302, s. 382.

**396. (1) Certificates re dates of delivering notices.**—Instead of entering on the roll the date of the demand or of the delivery or mailing of the notice as required by sections 394 and 395, the collector may, at the time of such demand or notice, as the case may be, or immediately thereafter, make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the demands or notices in the roll or in the part were made, delivered or mailed.

**(2) Proof.**—Any such certificate is, in the absence of evidence to the contrary, proof of the making, delivery or mailing of such demand or notice. R.S.O. 1980, c. 302, s. 383.

**397. Notice of address for tax bills.**—Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to that person and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of the registration to the taxes, and such notice shall stand until revoked in writing. R.S.O. 1980, c. 302, s. 384.

**398. Certificate re current taxes.**—After taxes have been levied in any year, the collector shall upon demand give a certificate with respect to any assessment for real property or business assessment indicating that the taxes for the current year have been levied, the amount of the taxes and whether or not all or any part of such taxes have been paid. R.S.O. 1980, c. 302, s. 385.

**399. (1) By-laws requiring taxes to be paid into office of treasurer or collector.**—In local municipalities, the council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable. R.S.O. 1980, c. 302, s. 386(1); 1982, c. 50, s. 37.

**(2) Crown property.**—A by-law under subsection (1) may contain provisions with respect to the payment of taxes by tenants of lands owned by the Crown or in which the Crown has an interest, in which case the by-law shall provide that, where any such tenant has been employed either within or outside the municipality by the same employer for not less than thirty days, such employer shall pay over to the treasurer or collector on demand out of any wages, salary or other remuneration due to such employee the amount then payable for taxes under the by-law and such payment relieves the employer from any liability to the employee for the amount so paid.

(3) **Penalty for non-payment of taxes.**—The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding  $1\frac{1}{4}$  per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

(4) **Idem.**—As an alternative to a by-law passed under subsection (3), the council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 15 per cent per annum, or such lower rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier. R.S.O. 1980, c. 302, s. 386(2-4).

(5) **Discount or interest on payments in advance.**—The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

- (a) to allow a discount on any taxes so paid in advance at a rate not exceeding 12 per cent per annum and may allow interest at a rate not exceeding 12 per cent per annum on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or
- (b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding 12 per cent per annum,

even if the taxes for such year have not been levied or that the assessment roll on which such taxes are to be fixed and levied has not been revised and certified by the Assessment Review Board when any such advance payment is made, and a by-law passed under this subsection remains in force from year to year until it is repealed or amended. R.S.O. 1980, c. 302, s. 386(5); 1982, c. 40, s. 2.

(6) **Notice as to time and mode of payment.**—If a by-law is passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 392 on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any, and at any time within twenty-one days or such longer period as the council may authorize after such notice has first been given, in accordance with section 392, any person may take advantage of the provisions of such by-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be. R.S.O. 1980, c. 302, s. 386(6); 1988, c. 31, s. 12.

(7) **By-law to be in force until return of collector's roll.**—Where, in accordance with this section, a percentage is added to unpaid taxes, the by-laws shall not be repealed before the return of the collector's roll. R.S.O. 1980, c. 302, s. 386(7).

(8) **Provision for payment of taxes into bank, etc.**—The council of any municipality may by by-law direct that money payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such bank listed in Schedule I or II to the *Bank Act* (Canada), trust corporation,



or Province of Ontario Savings Office or, subject to the *Credit Unions and Caisses Populaires Act*, into such credit union within the meaning of that Act, as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality. R.S.O. 1980, c. 302, s. 386(8); 1982, c. 24, s. 14.

(9) **By-law to authorize part payment of taxes due.**—The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment does not affect the collection of any percentage charge imposed and collectable under subsection (3) in respect of non-payment of any taxes or any class of taxes or of any instalment thereof.

(10) **Disposition of part payment of taxes.**—Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he or she shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes, and, where such taxes are required to be paid by instalments under a by-law passed under subsection (1), the remainder of such payment shall be credited first against the instalment first due and secondly against the instalment next due, and so on, until the whole of the remainder of the payment has been credited against such taxes.

(11) **Payment of instalments in areas.**—The council of any municipality may by by-law divide the municipality into separate areas for the purposes of this Part, and in any by-law providing for the payment of taxes by instalments may for every such area name a different day within a fixed period of time for the payment of any instalment. R.S.O. 1980, c. 302, s. 386(9-11).

**400. (1) Distress and sale for taxes that are a charge on land.**—Subject to section 399, if taxes that are a lien on land remain unpaid for twenty-one days after demand or notice made or given under section 392, 395 or 399 or, where a longer period has been authorized under subsection 399 (6) such taxes remain unpaid at the expiry of that period, the collector or, where there is no collector, the treasurer may alone or by an agent, subject to the exemptions and provisos mentioned in this section, levy them with costs by distress,

- (a) upon the goods and chattels, wherever found within the county in which the municipality lies, belonging to or in the possession of the owner or tenant of the land whose name appears upon the collector's roll (the owner or the tenant in this section is called "the person taxed");
- (b) upon the interest of the person taxed in any goods on the land, including an interest in any goods to the possession of which the person is entitled under a contract for purchase or a contract by which the person may or is to become the owner thereof upon performance of any condition;
- (c) upon the goods and chattels of the owner of the land found thereon, though the owner's name does not appear upon the roll;
- (d) upon any goods and chattels on the land, where title to such goods and chattels is claimed,

- (i) by virtue of an execution against the person taxed or against the owner, though the person's name does not appear on the roll,
- (ii) by purchase, gift, transfer or assignment from the person taxed, or from such owner, whether absolute or in trust, or by way of mortgage, or otherwise,
- (iii) by the spouse, daughter, son, daughter-in-law or son-in-law of the person taxed, or of such owner, or by any of his or her relatives, in case such relative lives on the land as a member of the family, or
- (iv) by virtue of any assignment or transfer made for the purpose of defeating distress,

provided that, where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or to such owner are not subject to seizure, and the possession by the tenant of such goods and chattels on the premises is sufficient proof, in the absence of evidence to the contrary, that they belong to the tenant; provided also that no distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him, her or it as tenant; provided also that in cities and towns no distress for taxes in respect of vacant land shall be made upon goods or chattels of the owner except upon the land. R.S.O. 1980, c. 302, s. 387(1); 1986, c. 64, s. 37(6); 1988, c. 31, s. 13(1).

(2) **Distress for taxes not a lien on land.**—Subject to section 399, in case of taxes that are not a lien on land remaining unpaid for twenty-one days after demand or notice made or given under section 392, 395 or 399 or, where a longer period has been authorized under subsection 399 (6) such taxes remain unpaid at the expiry of that period, the collector or, where there is no collector, the treasurer may alone or by an agent, subject to the exemptions provided for in subsection (4), levy them with costs by distress,

- (a) upon the goods and chattels of the person taxed wherever found within the county in which the municipality lies for judicial purposes;
- (b) upon the interest of the person taxed in any goods to the possession of which the person is entitled under a contract for purchase, or a contract by which the person may or is to become the owner thereof upon performance of any condition;
- (c) upon any goods and chattels in the possession of the person taxed where title to them is claimed,
  - (i) by virtue of an execution against the person taxed,
  - (ii) by purchase, gift, transfer or assignment from the person taxed, whether absolute or in trust, or by way of mortgage or otherwise,
  - (iii) by the spouse, daughter, son, daughter-in-law or son-in-law of the person taxed, or by any of his or her relatives, in case such relative lives as a member of the family, or
  - (iv) by virtue of any assignment or transfer made for the purpose of defeating distress;
- (d) upon goods and chattels that at the time of making the assessment were the property and on the premises of the person taxed in respect of business assessment and at the time for collection of taxes are still on the same premises, even if such goods and chattels are no longer the property of the person taxed. R.S.O. 1980, c. 302, s. 387(2); 1988, c. 31, s. 13(2), *revised*.

(3) **Case of goods in possession of warehouse or storer, assignee or liquidator.**—Despite subsections (1) and (2), no goods that are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the goods or of selling the goods upon commission or as agent shall be levied upon or sold for such taxes, and provided that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order are liable only for the taxes of the assignor or of the company that is being wound up, and for the taxes upon the premises in which the goods were at the time of the assignment or winding-up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

(4) **Goods exempt from distress.**—The goods and chattels exempt by law from seizure under execution are not liable to seizure by distress.

(5) **Exemption to be claimed.**—The person claiming such exemption shall select and point out the goods and chattels as to which the person claims exemption.

(6) **Levy of taxes under warrant.**—If at any time after demand has been made or notice given under section 392, 395 or 399, and before the expiry of the time for payment of the taxes, the collector or, where there is no collector, the treasurer has good reason to believe that any person in whose hands goods and chattels are subject to distress under the preceding provisions is about to remove such goods and chattels out of the municipality before such time has expired and makes affidavit to that effect before the mayor or reeve of the municipality or before any justice of the peace, the mayor, reeve or justice shall issue a warrant to the collector or treasurer authorizing him or her to levy for the taxes and costs in the manner provided by this Act although the time for payment thereof may not have expired, and the collector or treasurer may levy accordingly. R.S.O. 1980, c. 302, s. 13(3-6).

(7) **City.**—A city shall for the purposes of this section be deemed to be united to and form part of the county in which it is situate. R.S.O. 1980, c. 302, s. 13(7), *revised*.

(8) **Costs.**—The costs chargeable in respect of any such distress and levy are those payable to bailiffs under the *Courts of Justice Act*.

(9) **Prohibition.**—No person shall make a charge for anything in connection with any such distress or levy unless such thing has been actually done.

(10) **Penalty.**—In case any person offends against subsection (9) or levies any greater sum for costs than is authorized by subsection (8), the like proceedings may be taken against him or her by the person aggrieved as may be taken by the party aggrieved in the cases provided for by sections 2, 4 and 5 of the *Costs of Distress Act*.

(11) **Notice of taxes where goods under seizure.**—Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or is claimed by or in possession of any assignee for the benefit of creditors or any liquidator, trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it is sufficient for the tax collector to give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or



authorized trustee in bankruptcy shall pay the amount to the collector in preference and priority to any other and all other fees, charges, liens or claims.

(12) **Costs of distress, when to belong to corporation.**—Where the person making any such distress and levy is a salaried employee of the municipal corporation, the costs in respect of such distress and levy belong to the corporation. R.S.O. 1980, c. 302, s. 387(8-12).

**401. Informalities not to invalidate subsequent proceedings.**—No defect, error or omission in the form or substance of the notice required by section 392, 395 or 399 invalidates any subsequent proceedings for the recovery of the taxes. R.S.O. 1980, c. 302, s. 388.

**402. Public notice of sale.**—The collector or the collector's agent, by advertisement posted up in at least three public places in the municipality or, where there are wards, in the ward wherein the sale of goods and chattels distrained is to be made, shall give at least six days notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to realize the amount of the taxes and costs. R.S.O. 1980, c. 302, s. 389.

**403. Surplus, if unclaimed, to be paid to party in whose possession the goods were.**—If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to the person or that the person was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R.S.O. 1980, c. 302, s. 390.

**404. Surplus to admitted claimant.**—If such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant. R.S.O. 1980, c. 302, s. 391.

**405. When the right to surplus contested.**—If the claim is contested, such surplus shall be paid by the collector to the treasurer of the municipality, who shall retain it until the respective rights of the parties have been determined by action or otherwise. R.S.O. 1980, c. 302, s. 392.

**406. (1) Dates for return of collector's roll.**—Subject to subsection (2), every collector shall return his or her roll to the treasurer on or before the 28th day of February in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

(2) **In cities.**—The council of every city may by by-law fix the times for the return of the collector's rolls, and may make any enlargements of the time so fixed.

(3) **Collectors' interim returns in cities, towns and villages.**—The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his or her collection once every week or more often if the council by by-law so requires.

(4) **Collectors' interim returns in townships.**—The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the

amount of his or her collection once every two weeks or more often if the council by by-law so requires.

(5) **Audit of collector's roll.**—Every collector, on the request of the treasurer, shall deliver the roll, together with an account of all collections made, to the treasurer to be audited. R.S.O. 1980, c. 302, s. 393.

**407. (1) Oath of collector on returning roll.**—At or before the return of his or her roll, every collector shall make oath in writing that the date of every demand of payment or notice of taxes required by sections 392 to 399, and every transmission of statement and demand of taxes required by section 395 entered by him or her in the roll, has been truly stated therein.

(2) **Idem.**—Every other person who has delivered or mailed a notice pursuant to section 392, 395 or 399 shall in like manner at or before the return of the roll make oath that the date of the delivery or mailing of every such notice by him or her has been truly stated in the roll.

(3) **Form of oath, etc.**—The oath may be in Form 7 and shall be written on or attached to the roll and may be taken before the treasurer or before a justice of the peace having jurisdiction in the municipality or a commissioner for taking affidavits or a notary public for Ontario. R.S.O. 1980, c. 302, s. 394.

**408. (1) Failure of collector to collect.**—If the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as mentioned in section 406, the council may, by resolution, authorize the collector, or some other person in his or her stead, to continue the levy and collection of the unpaid taxes in the manner and with powers provided by law for the general levy and collection of taxes.

(2) **Duty as to return not affected.**—No such resolution or authority alters or affects the duty of the collector to return his or her roll or in any manner invalidates or otherwise affects the liability of the collector or his or her sureties. R.S.O. 1980, c. 302, s. 395.

**409. (1) Proceedings when taxes unpaid.**—The treasurer shall, upon receiving the roll returned under section 406, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

(2) **Verification notice.**—When the auditor gives a verification notice to each person mentioned in subsection (1), the treasurer is not obligated to comply with subsection (1). R.S.O. 1980, c. 302, s. 396.

## ARREARS OF TAXES

**410. Municipalities united and afterwards disunited, etc.**—If two or more municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the county or other treasurer shall make corresponding alterations in his or her books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit

of the municipality within which the land after such alteration is situate. R.S.O. 1980, c. 302, s. 398.

**411. All arrears to form one charge upon lands.**—The treasurer shall not be required to keep a separate account of the several distinct rates that may be charged on lands but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R.S.O. 1980, c. 302, s. 399; 1984, c. 48, s. 20(2).

**412. Payments on tax arrears.**—The treasurer of every municipality shall collect the arrears of taxes outstanding after the return of the collector's roll and may receive part payment of taxes returned to the treasurer as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time but no such payment shall be received after a tax arrears certificate has been registered under the *Municipal Tax Sales Act*. 1984, c. 48, s. 20(3).

**413. (1) Apportionment of taxes where land assessed in block.**—When it is shown to the Assessment Review Board or to the council of a municipality that taxes or rates are or have become due upon land assessed in one block, the Assessment Review Board or council, upon the application by the treasurer of the municipality or by or on behalf of any person claiming to be the owner of one or more parcels of the land, may, after notice of the application to all owners, direct the apportionment of the taxes or rates upon such parcels in proportion to their relative value at the time of the assessment, regard being had to all special circumstances, and the council may direct how any part payment made under section 412 is to be applied, and, upon payment of the apportionment assigned to any parcel, the payment shall be a satisfaction of the taxes or rates thereon, or the Assessment Review Board or the council, as the case may be, may make such other direction as the case may require, and the provision herein contained is retroactive in its operation, but does not apply to any lands that have been advertised for sale for taxes or rates. R.S.O. 1980, c. 302, s. 406(1); 1982, c. 40, s. 2.

**(2) Minute of apportionment for treasurer.**—Forthwith after an apportionment has been made, the clerk shall transmit a copy of the minute or resolution to the treasurer, who, upon receipt thereof, shall enter it in his or her books, and thereafter each lot or other subdivision of the land affected is liable only for the amount of taxes or rates apportioned thereto, and is only liable for sale for non-payment of the tax or rate so apportioned or charged against it. R.S.O. 1980, c. 302, s. 406(2).

**414. Appeal.**—An appeal may be had to the Municipal Board by any owner or owners from any decision or apportionment made under section 413 and a like appeal may be had by the municipality from a decision or apportionment made by the Assessment Review Board under section 413. R.S.O. 1980, c. 302, s. 407; 1982, c. 40, s. 2.

**415. (1) Written statement of arrears.**—The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and, may charge an amount for the cost of the search and certified statement on each separate parcel, but shall not make any charge to any person who forthwith pays the taxes.



(2) **Definition.**—For the purposes of subsection (1), “amount” means an amount not exceeding the administrative cost of the search and certified statement as determined by a by-law passed by council. (“montant”) R.S.O. 1980, c. 302, s. 408(1), *revised*.

(3) **Idem.**—A statement given under subsection (1) is binding upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer.

(4) **Form.**—The certified statement may be in Form 8 in English or English and French. R.S.O. 1980, c. 302, s. 408(2, 3).

**416. Treasurer to keep duplicate receipt book.**—The treasurer of a local municipality shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit such books and accounts at least once in every year. 1984, c. 48, s. 20(4).

**417. As to pretended receipt, etc.**—If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee or other municipal officer, the treasurer is not bound to accept it until he or she has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he or she is otherwise satisfied that such tax has been paid. R.S.O. 1980, c. 302, s. 410.

**418. Lands on which taxes unpaid to be entered in certain books by treasurer.**—The treasurer of every county shall keep a separate book for each township and village, in which he or she shall enter all the lands in the municipality on which it appears, from the returns made to him or her by the clerk and from the collector’s roll, that there are any taxes unpaid, and the amounts so due, and the treasurer shall, on the 15th day of January in every year, complete and balance the books by entering against every parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year that remain unpaid, and he or she shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R.S.O. 1980, c. 302, s. 411.

**419. (1) Interest on tax arrears.**—Despite any special Act, but subject to subsection (2), the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding  $1\frac{1}{4}$  per cent per month.

(2) **Idem.**—Despite subsection (1) or any special Act, the council of a local municipality may, by by-law, require that the treasurer, collector or county treasurer, as the case may be, add to the amount of all taxes due and unpaid interest at such rate not exceeding 15 per cent per annum as the council determines, from the 31st day of December in the year in which the taxes were levied until the taxes are paid.

(3) **Interest, etc., not to be compounded.**—No interest or percentage added to taxes shall be compounded.

(4) **Interest, etc., to form part of taxes.**—Interest and percentages added to taxes form part of such taxes and shall be collected as taxes. R.S.O. 1980, c. 302, s. 412.

**420. Where distress on premises, treasurer may distrain.**—If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, the treasurer may levy the arrears of taxes and the costs by distress, and has the same authority to collect by distress as a collector has under this Act, and section 400 applies thereto. 1984, c. 48, s. 20(5).

**421. Where deficiency occurs.**—Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body, provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause 442 (1) (e). R.S.O. 1980, c. 302, s. 465.

#### RESPONSIBILITY OF OFFICERS

**422. Offence.**—Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him or her by this Part is guilty of an offence. 1982, c. 50, s. 38.

**423. Proceedings for compelling collectors to pay over money.**—If a collector refuses or neglects to pay the sums contained in his or her roll to the proper treasurer or other person legally authorized to receive the same, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his or her hand and seal directed to the sheriff for the area commanding the sheriff to levy of the goods, chattels, lands and tenements of the collector and his or her sureties such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for. R.S.O. 1980, c. 302, s. 475, *revised*.

**424. Warrant to be delivered to sheriff.**—The treasurer shall immediately deliver the warrant to the sheriff. R.S.O. 1980, c. 302, s. 476, *revised*.

**425. Sheriff to execute warrant and pay money levied.**—The sheriff to whom the warrant is directed shall, within forty days, cause the warrant to be executed and make a report thereon to the treasurer, and shall pay to the treasurer the money levied by virtue thereof, deducting for his or her fees the same compensation as upon writs of execution issued out of a court. R.S.O. 1980, c. 302, s. 477, *revised*.

**426. Mode of compelling sheriff to pay over.**—If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the money, or makes a false report on the warrant, or neglects or refuses to make any report, or makes an insufficient report, the treasurer may, upon affidavit of the facts, apply to the Ontario Court (General Division) for an order under section 481. R.S.O. 1980, c. 302, s. 478, *revised*.

**427. Seizure and sale.**—If the court or judge is of opinion that the sheriff has been guilty of the dereliction alleged, the court shall order the proper officer of the

court to issue a writ of seizure and sale, adapted to the case, directed to a coroner of the area in which the municipality is situate, or to a coroner of the area, as the case may be, for which the collector is in default. R.S.O. 1980, c. 302, s. 481, *revised*.

**428. Tenor of such writ and execution thereof.**—The writ shall direct the coroner to levy of the goods and chattels of the sheriff the sum that the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution, and the writ shall bear date on the day of its issue, and is returnable forthwith on its being executed, and the coroner, upon executing the writ, is entitled to the same fees as upon a writ grounded upon a judgment of the court. R.S.O. 1980, c. 302, s. 482.

**429. Offence for sheriff neglecting to perform duty.**—Every sheriff who wilfully omits to perform any duty required of him or her by this Act is guilty of an offence. R.S.O. 1980, c. 302, s. 483; 1982, c. 50, s. 40.

**430. Payment of money collected for the Province.**—All money assessed, levied and collected for the purpose of being paid to the Treasurer of Ontario, or to any other public officer, for the public uses of Ontario, or for any special purpose or use mentioned in the Act under which the money is raised, shall be assessed, levied and collected by, and accounted for and paid over to, the same persons, in the same manner and at the same time as taxes imposed on the same property for county, city or town purposes and shall be deemed to be money collected for the county, city or town, so far as to charge every collector or treasurer with the same, and to render them and their sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of money assessed, levied and collected for the use of the county, city or town. R.S.O. 1980, c. 302, s. 484.

**431. How money collected for county purposes to be paid over.**—All money collected for county purposes or for any of the purposes mentioned in section 430 is payable by the collector to the township, town or village treasurer, and by him or her to the county treasurer, and the corporation of the township, town or village is responsible therefor to the corporation of the county. R.S.O. 1980, c. 302, s. 485.

**432. Collectors or treasurers bound to account for all money collected by them.**—Any bond or security given by the collector or treasurer to the corporation of the township, town or village, to account for and pay over all money collected or received by him or her, applies to money collected or received for county purposes or for any of the purposes mentioned in section 439. R.S.O. 1980, c. 302, s. 486.

**433. (1) Local treasurer to pay over county money to county treasurer.**—The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all money that was assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 432, and, in case of non-payment of such money or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made.



(2) **Reduced penalty rate and allowance of discount for prepayment.**—The council of a county may by by-law provide for a rate of interest of less than 12 per cent per annum in case of non-payment of money assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of money or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the money is payable. R.S.O. 1980, c. 302, s. 487.

**434. Mode of enforcing such payments.**—If default is made in such payment, the county treasurer may retain or stop a like amount out of any money that would otherwise be payable by him or her to the municipality, or may recover the same by an action against the municipality, or, where the same has been in arrear for three months, may, by warrant under his or her hand and seal, reciting the facts, direct the sheriff for the area to levy and collect the amount due with interest and costs from the municipality in default. R.S.O. 1980, c. 302, s. 488.

**435. How sheriff to collect.**—The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his or her own fees and costs, in the same manner as is provided by the *Execution Act* in the case of executions against municipal corporations. R.S.O. 1980, c. 302, s. 489.

**436. Treasurer, etc., to account for and pay over Crown money.**—The county, city or town treasurer is accountable and responsible to the Crown for all money collected for any of the purposes mentioned in section 430, and shall pay over such money to the Treasurer of Ontario. R.S.O. 1980, c. 302, s. 490.

**437. Municipality responsible for such money.**—Every municipality is responsible to Her Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the municipality by virtue of the treasurer's office shall be duly paid over and accounted for by the treasurer according to law. 1984, c. 48, s. 20(6), *part*.

**438. Treasurer, etc., responsible to municipality.**—The treasurer and the treasurer's sureties are responsible and accountable for such money to the municipality and any bond or security given by them for the duly accounting for and paying over money belonging to the municipality applies to all money mentioned in section 430 and may be enforced against the treasurer or the treasurer's sureties in case of default. 1984, c. 48, s. 20(6), *part*.

**439. Bonds to apply to school money.**—The bond of the treasurer and the treasurer's sureties applies to school money and to all public money of Ontario and, in case of default, Her Majesty may enforce the responsibility of the municipality by stopping payment of a like amount out of any public money that would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation. 1984, c. 48, s. 20(6), *part*.

**440. City, etc., responsible for default of treasurer, etc.**—Any person aggrieved by the default of the treasurer may recover from the municipality the amount due or payable to such person as money had and received to the person's use. 1984, c. 48, s. 20(6), *part*.

## MISCELLANEOUS

**441. (1) Uncollectable taxes.**—Where the treasurer ascertains that certain taxes are uncollectable, the treasurer shall recommend to the council that such outstanding taxes be struck off the roll, and the council may direct the treasurer to strike such taxes off the roll. R.S.O. 1980, c. 302, s. 495(1).

(2) **Taxes uncollectable by reason of court decision.**—Despite subsection (1), the treasurer may strike from the roll taxes that by reason of a decision under section 442 or 443, or of a decision of a judge of any court are uncollectable. R.S.O. 1980, c. 302, s. 495(2); 1988, c. 31, s. 14.

**442. (1) Cancellations, reductions, refunds, etc., of taxes.**—An application to the council for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person,

- (a) in respect of real property liable to taxation at the rate levied on commercial assessment as defined in the *Ontario Unconditional Grants Act* that has ceased to be real property that would be liable to be taxed at such rate;
- (b) in respect of real property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll;
- (c) in respect of a building that during the year or during the preceding year after the return of the assessment roll,
  - (i) was razed by fire, demolition or otherwise, or
  - (ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- (d) in respect of a mobile unit that was removed from the municipality during the year or during the preceding year after the return of the assessment roll;
- (e) who is unable to pay taxes because of sickness or extreme poverty;
- (f) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or
- (g) liable for business tax who has not carried on business for the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, or was not carried on for a period of less than three months during the year by reason of repairs to or renovations of the premises in which the business was carried on. R.S.O. 1980, c. 302, s. 496(1).

(2) **By-law to provide for exercise by Assessment Review Board of functions of council.**—The council may, by by-law passed on or before the 31st day of December in any year, provide that the Assessment Review Board shall exercise the functions of the council under subsections (7), (12) and (19) and any such by-law shall apply to applications made in and after the year in which such by-law is passed and shall continue so to apply until repealed. R.S.O. 1980, c. 302, s. 496(2); 1982, c. 40, s. 2.

(3) **Certified copies of by-law to regional registrar and assessment commissioner.**—The clerk of the municipality shall forthwith forward certified copies of any

by-law passed under subsection (2) and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Board and to the assessment commissioner. R.S.O. 1980, c. 302, s. 496(3); 1982, c. 40, s. 2.

(4) **Time for making application.**—The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality who shall, if the municipality has passed a by-law under subsection (2), forthwith forward such notice to the regional registrar of the Assessment Review Board and the regional registrar shall in turn forthwith forward a copy of such notice to the assessment commissioner. R.S.O. 1980, c. 302, s. 496(4); 1982, c. 40, s. 2.

(5) **Notice of hearing.**—Notice of any hearing by the council under this section shall be given by mail by the clerk of the municipality to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the council.

(6) **Application by clerk.**—Where any person who is entitled to apply for the cancellation, reduction or refund of taxes under clause (1) (f) or (g) fails to apply, the clerk of the municipality may apply instead and this section applies with necessary modifications to such application.

(7) **Powers of council.**—Where the council has not passed a by-law under subsection (2), the council, subject to such restrictions and limitations as are contained in this section, may reject the application or,

- (a) where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes;
- (b) where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or
- (c) where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid. R.S.O. 1980, c. 302, s. 496(5-7).

(8) **Restoration of taxes to tax roll.**—Where a council or the Assessment Review Board has made a decision in any year under subsection (7) to cancel, refund or reduce taxes for that year in respect of a building mentioned in clause (1) (c) and where subsequently the council or the Assessment Review Board, as the case may be, is satisfied that the building has been reconstructed or repaired and has been returned to use prior to the end of that year, the council or the Assessment Review Board, as the case may be, may direct that such portion as it considers appropriate of the tax reduction or of the taxes that were cancelled or refunded be restored to the collector's roll as taxes owing for that year and such a direction may be made at any time up to the 28th day of February of the immediately following year. R.S.O. 1980, c. 302, s. 496(8); 1982, c. 40, s. 2.

(9) **Right to hearing.**—No direction shall be made under subsection (8) in respect of taxes on any building without first affording an opportunity to be heard to any person who, according to the collector's roll, would be chargeable for the taxes if a portion thereof were restored to the collector's roll.



(10) **Appeals.**—The provisions of this section respecting an appeal of a decision made under subsection (7) apply with necessary modifications to a direction made under subsection (8).

(11) **Payment.**—Taxes restored to a collector's roll for any year pursuant to a direction made under subsection (8) shall, upon notice to the person chargeable therewith, become payable as part of the next instalment of taxes payable by that person in that year following the giving of a notice or demand therefor and where no instalment remains payable in the year following the giving of the notice or demand or where the notice or demand is given in the next following year, the taxes mentioned in the notice shall become due and payable or in arrears, as the case may be, on the fifteenth day following the giving of the notice or demand, and where the notice or demand was given in the next following year interest added under section 419 shall accrue from the date that the taxes became due and payable, or in arrears, and not from the 31st day of December of the year in which the taxes were levied. R.S.O. 1980, c. 302, s. 496(9-11).

(12) **Hearing and disposition.**—Subject to subsection (13), the council shall hear and dispose of every application not later than the 30th day of April in the year following the year in respect of which the application is made and the clerk of the municipality shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Assessment Review Board within fourteen days of the mailing of such notice. R.S.O. 1980, c. 302, s. 496(12); 1982, c. 40, s. 2.

(13) **Idem.**—Where the council has passed a by-law under subsection (2), the Assessment Review Board shall hear and dispose of every application not later than the 30th day of April in the year following the year in respect of which the application is made. R.S.O. 1980, c. 302, s. 496(13); 1982, c. 40, s. 2.

(14) **Appeals.**—An appeal may be had to the Assessment Review Board by the applicant from the decision of the council or where the council has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a new hearing. R.S.O. 1980, c. 302, s. 496(14); 1982, c. 40, s. 2.

(15) **Notice of appeal.**—The person appealing shall personally or by an agent send a written notice of appeal to the regional registrar of the Assessment Review Board, within fourteen days after notice of the decision of the council has been given by the clerk of the municipality under subsection (12), or, within fourteen days after the 30th day of April, where the council has omitted, neglected or refused to deal with an application under this section. R.S.O. 1980, c. 302, s. 496(15); 1982, c. 40, s. 2.

(16) **Notice of hearing by Assessment Review Board.**—Notice of any hearing by the Assessment Review Board under this section shall be given by mail by the regional registrar of the Assessment Review Board to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the Board. R.S.O. 1980, c. 302, s. 496(16); 1982, c. 40, s. 2.

(17) **Appeal to O.M.B.**—An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 42 (2) to (5) [subsections 43 (2) to (5)] of the *Assessment Act* apply with necessary modifications.

(18) **Powers of Assessment Review Board and Municipal Board.**—The Assessment Review Board and the Municipal Board have, in respect of hearings under this section, the same powers as the council has under subsection (7). 1982, c. 40, s. 4(2), *part*.

(19) **Occupant may be required to pay part of taxes.**—Where a person makes application for the cancellation, reduction or refund of taxes in respect of business assessment or assessment under subsection 7 (4) of the *Assessment Act*, the council or the Assessment Review Board, as the case may be, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable regard shall be had to the nature of the business carried on. R.S.O. 1980, c. 302, s. 496(22); 1982, c. 40, s. 2.

(20) **Proportionate cancellation refund, etc.**—A cancellation, reduction or refund under clause (1) (b) shall be for a proportionate part of the taxes based on the number of months in the year during which the exemption existed.

(21) **Idem.**—A cancellation, reduction or refund under clause (1) (c) shall be for a proportionate part of the taxes based on the number of months in the year or years after the building was razed in respect of which taxes were levied. R.S.O. 1980, c. 302, s. 496(23, 24).

(22) **Notice of decision to assessment commissioner.**—A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section. 1982, c. 40, s. 4(3).

**443. (1) Reduction of taxes, etc., for clerical errors.**—An application to the council for the cancellation, reduction or refund of taxes levied in the years indicated in subsection (5) may be made by any person who was overcharged by reason of any gross or manifest error in the preparation of the assessment roll that was an error of fact, which may include but is not limited to, clerical errors, the transposition of figures or typographical errors, but not an error in judgment in making the assessment upon which the taxes have been levied.

(2) **Delegation to committee.**—The council may by by-law appoint a committee composed of at least three persons who are members of council or who are eligible to be elected members of council but these persons shall not be employees of the municipality or of a local board as defined in the *Municipal Affairs Act* and the committee shall hear the applications under subsection (12) and section 105 applies thereto.

(3) **When application to be made.**—An application may be made from the 1st day of March until the 31st day of December of any year, by giving written notice to the clerk of the municipality.

(4) **Idem.**—Where the Minister of Revenue extends the time for the return of the assessment roll of a municipality under subsection 36 (2) of the *Assessment Act*, an application under this section to the council of that municipality shall not be made earlier than sixty-one days after the assessment roll is returned.

(5) **Application, general.**—A separate application may be made for taxes levied in each or either of the two years preceding the year in which the application is made if the assessment on the property or business, as the case may be, has not been the subject of an appeal, complaint or application under section 35, 40 or 46 of the *Assessment Act*, in either of those years or in the year in which an application is made under this section, but where an error is made subsequent to all such appeals, complaints or applications under section 35, 40 or 46 of the *Assessment Act*, an application may be made under this section in respect to that error. 1988, c. 31, s. 15, *part*.

(6) **Notice of application.**—The clerk shall forward a copy of the application to the assessment commissioner and the regional registrar of the Assessment Review Board.

(7) **When application not valid.**—An application is not valid and shall not be heard by council unless,

- (a) the application complies with subsection (5); and
- (b) the assessment commissioner has confirmed an error in the assessment referred to in the application.

(8) **Notification by clerk.**—Where an application is not valid under subsection (7), the clerk shall notify the applicant in writing of the reasons therefor.

(9) **Notice of hearing.**—Notice of a hearing by the council under this section shall be given by mail by the clerk of the municipality to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the council.

- (10) **Determination by council.**—The council may reject the application or,
- (a) if the taxes have not been paid, cancel the whole of the taxes or reduce the taxes;
  - (b) if the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or
  - (c) if the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.

(11) **Decision final.**—The decision of the council is final.

(12) **Hearing.**—The council shall hear and dispose of every application not later than the 30th day of April in the year following the year in which the application is made and the clerk shall thereupon cause notice of the decision to be given by mail to the persons to whom notice of the hearing of the application was given.

(13) **Idem, when committee appointed.**—Despite subsection (12), where council has appointed a committee to hear applications, the committee shall hear every application before the 31st day of March in the year following the year in which the application is made.

(14) **Notice of decision to assessment commissioner.**—The clerk shall deliver or mail a copy of the notice of a decision of council to the assessment commissioner,



but failure to comply with this subsection does not invalidate the proceedings taken under this section.

(15) **Regulations.**—The Lieutenant Governor in Council may make regulations prescribing errors that are to be included or excluded as errors of fact under subsection (1). 1988, c. 31, s. 15, *part*.

**444. (1) Recommendation for increase of taxes where gross error.**—The treasurer may by filing a notice of the recommendation with the clerk of the municipality recommend to the council that the taxes levied against any person be increased in the year in which the recommendation is made, where the treasurer ascertains that such person has been undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied. R.S.O. 1980, c. 302, s. 497(1).

(2) **By-law to provide for exercise by Assessment Review Board of functions of council.**—Where the council has passed a by-law under subsection 443 (2) [subsection 442 (2)], the council may by the same by-law or by a subsequent by-law provide that the Assessment Review Board shall exercise the functions of the council under subsection (5) and where a subsequent by-law is passed, the clerk of the municipality shall forthwith forward a certified copy thereof and of any by-law passed repealing any such by-law to the regional registrar of the Assessment Review Board and to the assessment commissioner. R.S.O. 1980, c. 302, s. 497(2); 1982, c. 40, s. 2.

(3) **Notices to be forwarded to regional registrar and to assessment commissioner.**—Where the council has provided that the Assessment Review Board shall exercise the functions of the council as referred to in subsection (2), the clerk of the municipality shall forthwith forward to the registrar of the Assessment Review Board, as they are received by him [or her] from time to time, all notices filed under subsection (1) and the regional registrar shall in turn forthwith forward a copy of such notices to the assessment commissioner and subsections (4), (5), (6), (7) and (8) shall not apply to the recommendations to which such notices relate. R.S.O. 1980, c. 302, s. 497(3); 1982, c. 40, ss. 2, 4(4).

(4) **Notice of recommendation.**—Notice of the recommendation and of the date upon which it is to be dealt with by the council shall be given by mail by the clerk of the municipality to the treasurer and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the council.

(5) **Powers of council.**—The council may reject the recommendation or may increase the taxes to the correct amount, and the amount of the increase, subject to subsection (11), is collectable as if it had been originally levied and demanded. R.S.O. 1980, c. 302, s. 497(4, 5).

(6) **Notice of decision.**—Forthwith after the council makes its decision, the clerk of the municipality shall cause notice thereof to be given by mail to the person in respect of whom the recommendation was made and such notice shall state therein that the decision may be appealed to the Assessment Review Board within fourteen

days of the mailing of such notice. R.S.O. 1980, c. 302, s. 497(6); 1982, c. 40, s. 2.

(7) **Appeal.**—An appeal may be had to the Assessment Review Board by the person in respect of whom the recommendation was made from the decision of the council and such appeal shall be a new hearing. R.S.O. 1980, c. 302, s. 497(7); 1982, c. 40, s. 2.

(8) **Notice of appeal.**—The person appealing shall personally or by an agent send a written notice of appeal to the regional registrar of the Assessment Review Board, within fourteen days after notice of the decision of the council has been given under subsection (6). R.S.O. 1980, c. 302, s. 497(8); 1982, c. 40, s. 2.

(9) **Notice of hearing by Assessment Review Board.**—Notice of the appeal and of the date fixed for hearing shall be given by the regional registrar of the Assessment Review Board to the clerk of the municipality and to the person appealing not less than fourteen days before the appeal is to be dealt with by the Assessment Review Board. R.S.O. 1980, c. 302, s. 497(9); 1982, c. 40, s. 2.

(10) **Notice of date when recommendation to be dealt with.**—Where the council has provided that the Assessment Review Board shall exercise the functions of the council as referred to in subsection (2), notice of the date upon which the recommendation is to be dealt with by the Assessment Review Board shall be given by the regional registrar of the Board to the clerk of the municipality and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the Board. R.S.O. 1980, c. 302, s. 497(10); 1982, c. 40, s. 2.

(11) **Appeal to O.M.B.**—An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 43 (2) to (5) of the Assessment Act apply with necessary modifications.

(12) **Powers of Assessment Review Board and Municipal Board.**—The Assessment Review Board and the Municipal Board in dealing with appeals and recommendations under this section have the same powers as the council has under subsection (5).

(13) **When increases payable.**—The amount of any increase in taxes is not payable until the time for taking an appeal has expired and is not subject to any penalties applicable to taxes that are overdue or unpaid until the amount is payable. 1982, c. 40, s. 4(5), *part*.

(14) **When application not to be dealt with.**—Neither the council nor the Assessment Review Board shall deal with a recommendation under this section if a certificate with respect to current taxes has been issued by the tax collector under this Act before the mailing of the notice of recommendation under subsection (4). R.S.O. 1980, c. 302, s. 497(17); 1982, c. 40, s. 2.

(15) **Notice of decision to assessment commissioner.**—A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section. 1982, c. 40, s. 4(6).

**445. (1) Payment in lieu of taxes by Government of Canada.**—Where the Government of Canada desires to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from any personal liability to pay taxes assessed against that person, or to provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, a municipality may agree to accept and may accept from the Government of Canada an amount of money in lieu of taxes on such tenant or user or payment for such specific municipal services that would otherwise be payable.

(2) **Municipal services.**—The specific municipal services referred to in subsection (1) do not include the provision of any right to attend elementary or secondary schools.

(3) **Taxes not to be levied.**—Where a municipality has agreed to accept and has accepted such payment, as provided for in subsection (1), the municipality shall not collect any taxes on or in respect of any person who uses land with respect to which such payment is made.

(4) **Distribution of money.**—Where money is received by a municipality under subsection (1) to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from any personal liability to pay taxes assessed against that person, the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money shall be paid over to such body.

(5) **Idem.**—The money received by a municipality under subsection (1) other than the money paid over to other bodies under subsection (4) shall be credited to the general fund of the municipality. R.S.O. 1980, c. 302, s. 498.

**446. (1) Tax arrangements for tenants of provincial government.**—The Minister may pay taxes due to a municipality by a tenant, as defined in the *Assessment Act*, of land owned by Her Majesty in right of Ontario or in which Her Majesty in right of Ontario has an interest.

(2) **Idem.**—Where the Minister pays the taxes due in any year on behalf of a tenant under subsection (1) in respect of land occupied by the tenant and the municipality accepts the payment, all future notices of taxes due to the municipality in respect of the tenant's occupancy of the land shall be sent to the Minister and not to the tenant.

(3) **Tenant's responsibility.**—Where the Minister pays taxes on behalf of a tenant under subsection (1), the tenant ceases to be liable to the municipality for the taxes due but the Minister may recover the amount of the taxes in whole or in part from the tenant and the amount billed to a tenant by the Minister under this subsection shall be deemed to be a debt of the tenant owing to Her Majesty in right of Ontario.

(4) **Amount deemed to be taxes.**—An amount received by a municipality under subsection (1) shall be treated in the same manner as if paid as taxes by the tenant. 1988, c. 31, s. 16.

**447. Computation of time for proceedings where time limited expires on Saturday.**—Where the municipal offices in a municipality are closed on Saturday and the time limited for any proceeding or for the doing of any thing in such municipal offices under this Part expires or falls upon a Saturday, the time so limited shall extend



to and the thing may be done on the day next following that is not a holiday. R.S.O. 1980, c. 302, s. 499.

PART XXIII  
MISCELLANEOUS

**448. (1) Regulations respecting dogs running at large.**—The Lieutenant Governor in Council may make regulations for prohibiting or regulating the running at large of dogs in territory without municipal organization or in any defined area thereof, for seizing and impounding, and for killing, whether before or after impounding, dogs running at large contrary to the regulations, and for selling dogs so impounded at such time and in such manner as may be provided in the regulations.

**(2) Deeming provision.**—A dog shall be deemed to be running at large when found on any place other than the premises of the owner and not under the control of any person.

**(3) Offence.**—Every owner of a dog who allows it to run at large contrary to the regulations made under this section is guilty of an offence. 1989, c. 84, s. 7.

**449. Forms.**—Where the forms therefor are not prescribed by this Act, the Ministry may prescribe forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form is prescribed by this Act or the Ministry and that is not calculated to mislead is not open to objection on the ground that it is not in accordance with the form so prescribed. R.S.O. 1980, c. 302, s. 500.

**450. (1) English and French language forms.**—The Minister may, by order, prescribe an English and French language version of any form prescribed by or under this Act.

**(2) By-laws providing for use of forms.**—The council of a municipality may, by by-law, provide for the use in the municipality of the version of the form prescribed by the Minister under subsection (1) in place of the corresponding form prescribed by or under this Act, and, despite this Act, where a by-law under this subsection is in force in a municipality the version of the forms provided for in the by-law shall be used in the municipality in place of the corresponding forms prescribed by or under this Act. R.S.O. 1980, c. 302, s. 501.

FORM 1  
(Section 94 (1))  
OATH OR AFFIRMATION OF ALLEGIANCE

I, ..... , having been elected to the office of ..... in the municipality of ..... do swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn (Affirmed) before me at )  
 )  
the ..... )  
 )  
of ..... )  
 )  
in the ..... of ..... ) .....  
 )  
this ..... day of ..... )  
 )  
19... )

R.S.O. 1980, c. 302, Form 1.

FORM 2  
(Section 50)  
CERTIFICATE OF CLERK AS TO ELECTION OF REEVE  
AND DEPUTY REEVE (If ANY)

I, A.B., of ..... , Clerk of the Corporation of ..... in the  
County of ..... , do hereby certify under my hand and the  
seal of the Corporation that X.Y. was duly elected reeve (*or* deputy reeve) of the  
town (township *or* village, as the case may be), and has made and subscribed the  
declaration of office and qualification as such reeve (*or* deputy reeve).

A.B.

R.S.O. 1980, c. 302, Form 2.

FORM 3  
(Section 94 (1))  
DECLARATION OF ELECTED MEMBER

I, ..... , do solemnly promise and declare that I will truly,  
faithfully and impartially, to the best of my knowledge and ability, execute the office  
of ..... to which I have been elected in this municipality,  
that I have not received and will not receive any payment or reward, or promise  
thereof, for the exercise of any partiality or malversation or other undue execution  
of such office, and that I will disclose any pecuniary interest, direct or indirect as  
required by and in accordance with the *Municipal Conflict of Interest Act*, and I make  
this solemn declaration conscientiously believing it to be true and knowing that it  
is of the same force and effect as if made under oath.

R.S.O. 1980, c. 302, Form 3.

FORM 4

(Section 94 (2))

DECLARATION OF APPOINTED OFFICE

I, ..... , do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of *(insert name of office, or offices in the case of a person who has been appointed to two or more offices that he or she may lawfully hold at the same time)*, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been appointed in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office *(or offices)*, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation except that arising out of my office as clerk *(or my office as treasurer, collector, etc., as the case may be)*.

R.S.O. 1980, c. 302, Form 4.

FORM 5

(Section 94 (3))

DECLARATION OF AUDITOR

I, ..... , having been appointed auditor for the municipal corporation of ..... promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor or other than for services within my professional capacity.

R.S.O. 1980, c. 302, Form 5.

FORM 6

(Section 134 (1))

NOTICE ON PROMULGATION OF BY-LAW

The above is a true copy of a by-law passed by the Municipal Council of ..... of ..... on the ..... day of ..... , 19... . And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed must make an application for that purpose to the Ontario Court (General Division), within three months next after the first publication of this notice in the newspaper called the ..... , or that person will be too late to be heard in that behalf.

R.S.O. 1980, c. 302, Form 6, *revised*.



FORM 7  
(Section 407 (3))

FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL

I, (*name and residence*), make oath and say (*or solemnly declare and affirm*) as follows:

In accordance with the *Municipal Act*, I have appended my initials in the collector's roll attached hereto to every date entered by me in the roll as the date of demand of payment, or notice of taxes, pursuant to section 392 (*or* section 399) and of every transmission of statement and demand of taxes pursuant to section 395, or have attached my certificate pursuant to section 396, and every such date has been truly stated in the roll or certificate.

R.S.O. 1980, c. 302, Form 7.

FORM 8  
(Section 415 (4))

CERTIFICATE OF TREASURER

Treasurer's Office of the County (*or City or Town or Township*) of .....  
Statement showing arrears of taxes upon the following lands in the Township *or* City, *or* Town of .....

| Lot | Concession<br>or Street | Quantity<br>of Land | Amount | Year |
|-----|-------------------------|---------------------|--------|------|
|     |                         |                     |        |      |

I hereby certify that the above statement shows all arrears of taxes against the above lands, and proceedings have (not) been commenced under the *Municipal Tax Sales Act*.

.....  
*Treasurer.*

R.S.O. 1980, c. 302, Form 8; 1984, c. 48, s. 20 (7).

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